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taken from life in 1755*

# AMERICAN ORATORS AND ORATORY.

COMPRISING

BIOGRAPHICAL SKETCHES

OF THE

REPRESENTATIVE MEN OF AMERICA,

TOGETHER WITH

GEMS OF ELOQUENCE UPON THE LEADING QUESTIONS THAT HAVE  
OCCUPIED PUBLIC ATTENTION, FROM THE FOUNDATION  
OF THE REPUBLIC TO THE PRESENT TIME.

BY

G. M. WHITMAN,

OF THE IOWA PRESS ASSOCIATION.

WITH AN INTRODUCTION BY

HON. FRANK GILBERT,

Author of "The World, Historical and Actual," "American Literature," "English Literature," etc., etc.

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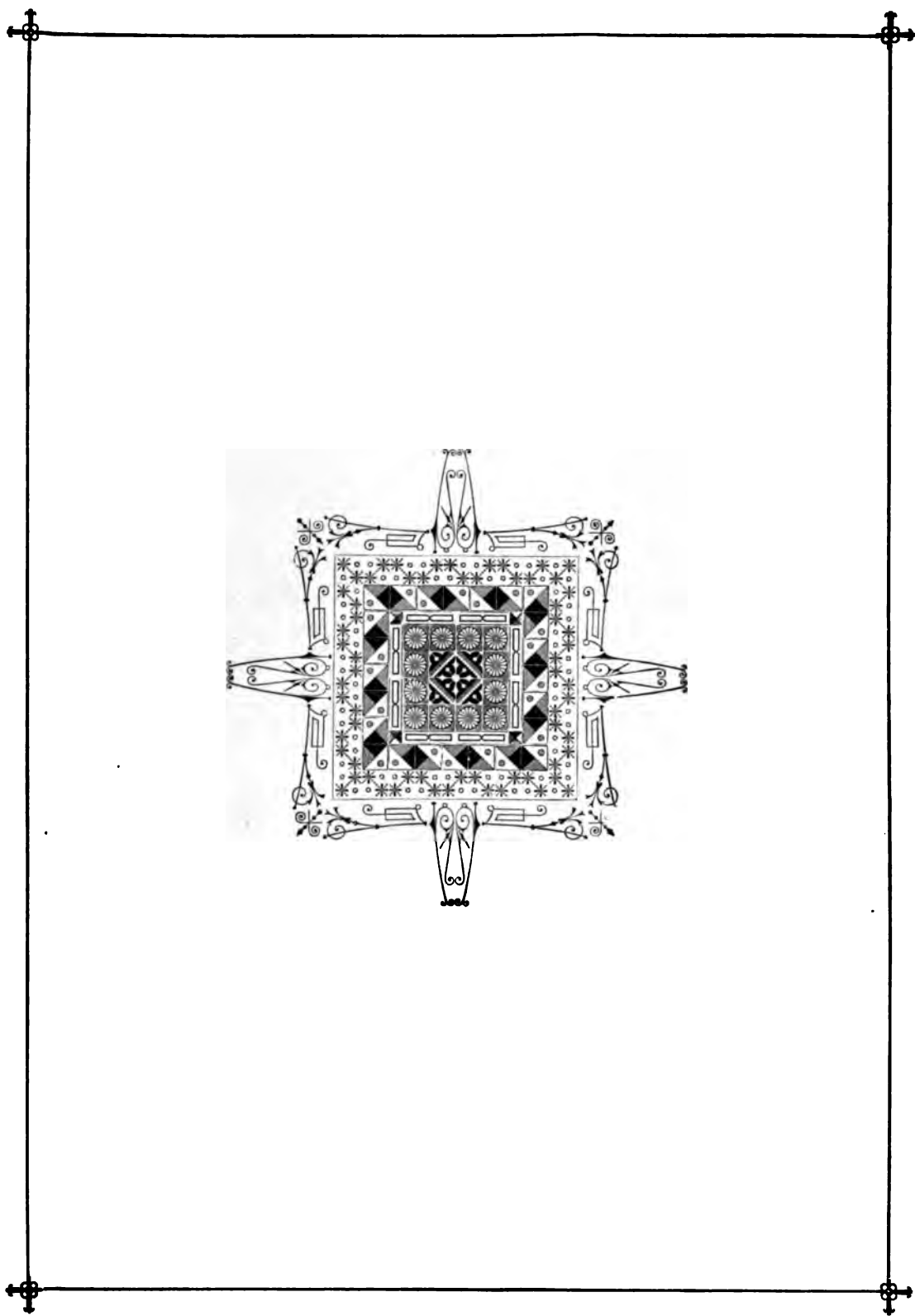
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TO THE  
YOUNG MEN OF AMERICA,  
THE FUTURE GUARDIANS  
OF THE  
Greatest of Great Republics,  
THIS VOLUME  
IS RESPECTFULLY DEDICATED BY ONE OF THEIR NUMBER.

THE AUTHOR.

182697



## PREFACE.

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The love of oratory is inherent in Americans. They have felt its power and influence as no other people have, and realize the part it has performed in the formation and character of the Republic. It was Oratory that made us a free and independent people; Oratory that determined the equality of man; Oratory that settled all the important questions of the past; and Oratory that must mark the future weal or woe of the American Nation—a Nation which, it is no exaggeration to say, excels all others in the splendor of her renown, “even as one star excelleth another star in glory.”

It has been the design of the author, in the present volume, to furnish a carefully prepared list, and an equally carefully prepared biographical sketch, of the characters who have been most conspicuous in the development of our common country, and to present the views of each on such questions as have been prominently connected with their national reputation. In this connection it may be well to add, that there is no portion of the Union that has not, through its representative men, performed its full share in the prosperity which we now enjoy. And, in this volume, taking into consideration the above fact, the author has endeavored to do justice to all sections of the country, by having each part represented; and is firm in the belief that the most prominent men of their time have been selected, and that the great questions presented are discussed in the ablest manner possible.

The reasons for editing and compiling a work of this character



are three-fold: First, that the author, during his experience as a newspaper editor, has often felt the need of such a work, and believes that there is a demand for it; second, that the young men of to-day, who must administer the affairs of Government to-morrow, may be supplied with the means for studying the faces and the lives, and profiting by the opinions, of those who have preceded them; and, third, the singular fact that no work of a like character has ever been issued from the American press.

In the arrangement of contents, the classification has been made more with reference to the date the speeches were delivered, than to the time the characters came into public notice; thus the great political questions are discussed in their regular order, and the reader is not left in total ignorance of the date on which the subject was introduced. If this arrangement should appear, to some, to give men of seemingly less prominence the preference over those who have been in public life the longer, and who have acted a more conspicuous part in the national drama, it is hoped that the true intent of the classification will be considered, and that no one will be unjust enough to impute to the author a spirit of prejudice or favoritism.

It is but just that the author should publicly acknowledge the great help which he has received from Hon. Frank Gilbert, L. T. Palmer, Prof. M. M. Gilchrist, and others, in the shape of valuable advice in the selection of subjects, and their proper arrangement.

In the full belief that a book of the character of the present volume cannot fail to be duly appreciated, the author presents the labor of years to a discriminating public, with the hope that as much pleasure may be taken in its perusal as he has found in its preparation.

C. M. W.

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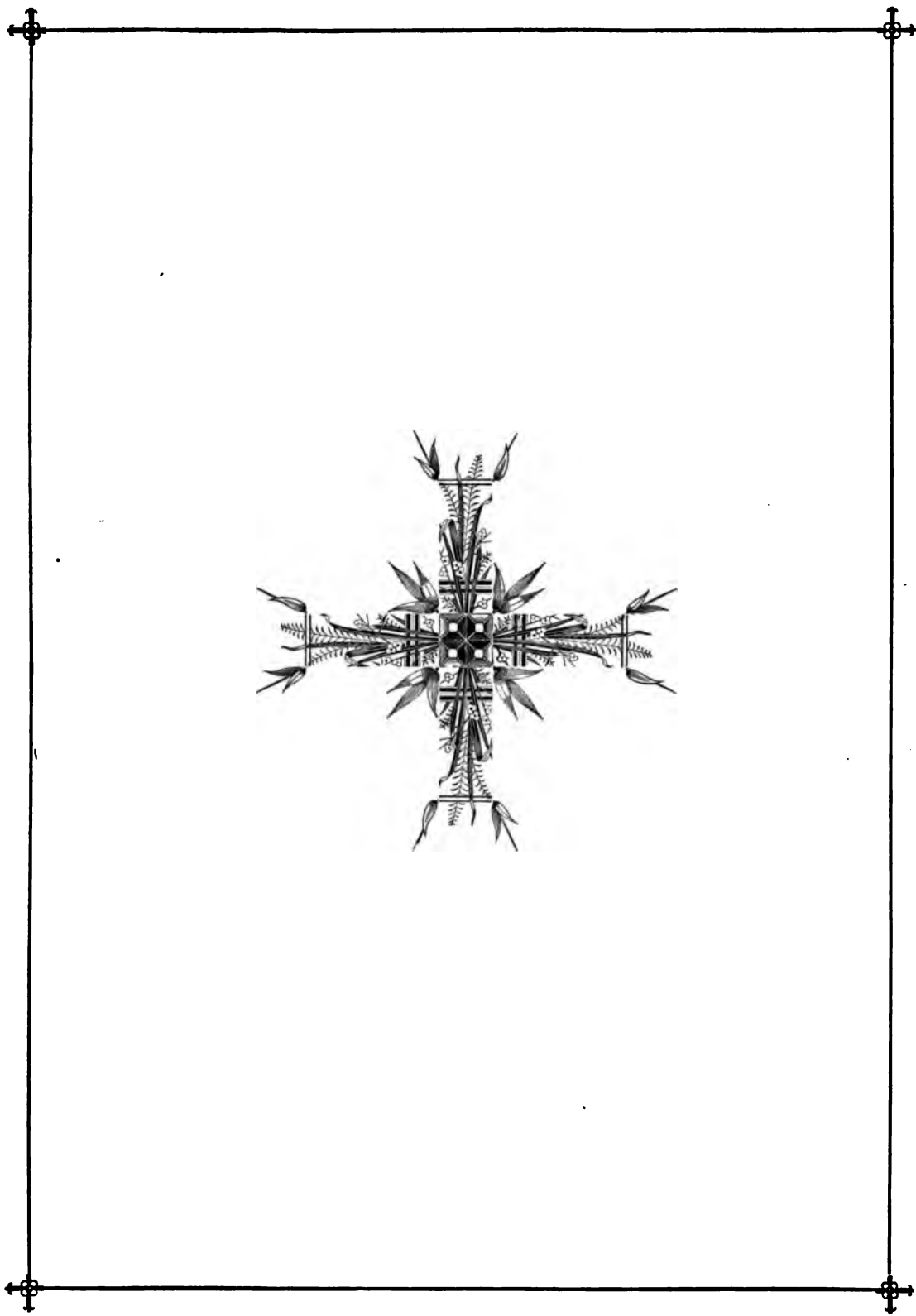
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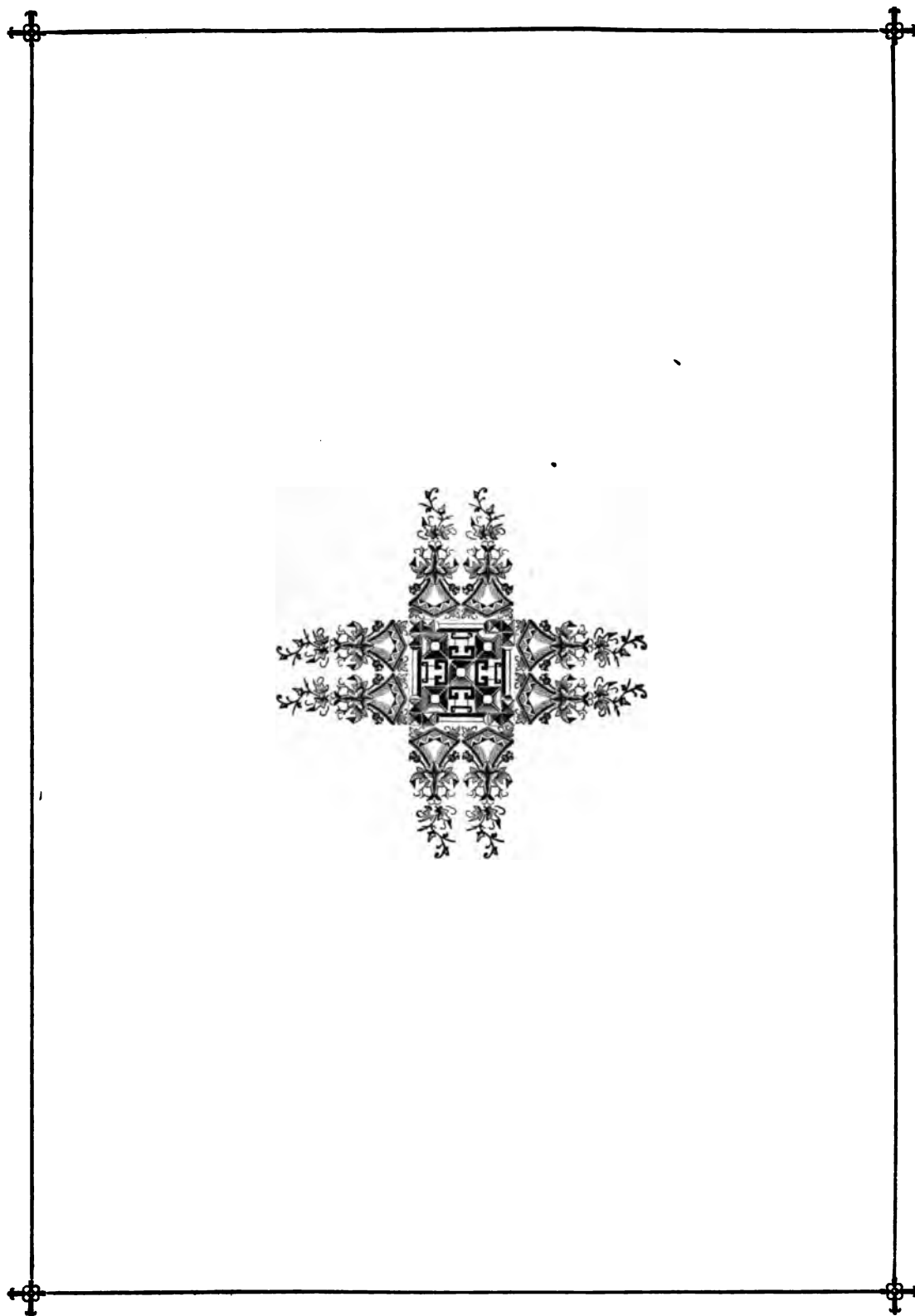
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## INTRODUCTION.

## ORATORY IN AMERICA.

BY FRANK GILBERT.

In no other country have orators and oratory played so conspicuous a part in shaping public affairs, as in America. The reason is, that nowhere else has free speech been enjoyed with absolute thoroughness. Every other land either is or has been cursed by a despotism, which dared not give loose rein to the tongue. Oratory can no more flourish under tyranny than grain can grow on an iceberg, unless, indeed, the orator is of such stuff as martyrs are made of.

The first great orator of the New World, James Otis, was stricken down by the bludgeon of authority for daring to assert in burning words the rights of the colonists. His fame lives in tradition only, for that immortal speech was never committed to paper, and intrusted to the keeping of printing, "the art preservative of arts." The eloquence which kindled the revolutionary fire lives only in the memory of a grateful people. But the oratory of the Republic proper is one of the great treasures of literature.

To glean the choicest specimens of American oratory, and give succinctly the memoirs of the orators themselves, constitute the high and timely task of this volume. The intelligent reader will see the plan at a glance, and recognize its excellence. The range of topics is wide, and the method adopted the best that could have been hit upon for the purpose. Each excerpt has intrinsic value, apart from association; but, when taken together, these orations form a treasure-house of rare

value. Coleridge said that he read Bunyan's "Pilgrim's Progress" four times—once for the story, once for the poetry, once for the style, and once for the religion. This book has as varied an interest. The biographical information is accurate and important; the orations are worthy of study on their individual merits; the whole presents, in its chronological sequence, the development of American ideas on public questions, and, by the aid of the index, one may make a topical study of the great subjects which have engrossed the attention of orators and their audiences from time to time in the history of this country. It will be observed, also, that every part of the Union is represented by truly representative public men, while not a few of our national orators belonged to the whole people.

The founders of the Republic were not greatest as orators. The labors required of them could be performed best, for the most part, by sword or pen. Achieving Independence and framing the Constitution, together with explaining, advocating, and popularizing its provisions, were the tasks set them. But the Farewell Address of Washington, unpretentious and calm, deserves to rank with the greatest orations of the world, for in its printed form it has been a powerful instrument in moulding a wholesome public sentiment. Each succeeding generation will be the better for its words of wisdom. It discusses in a lofty spirit of patriotism the higher reaches of political thought. The contemporaries of Washington, who find place in this volume, are hardly less deserving of admiration and study.

Webster, Clay, and Calhoun were the first great American masters of the art of public speaking. Whether in the presence of vast multitudes of people gathered from "among the farmers 'round," or before the Senate of the United States, they showed themselves to belong to the select peerage, which numbers Demosthenes, Cicero, Mirabeau, Fox, Pitt, and Gambetta, not to mention living orators. To them belonged the arduous task of taking such dry themes as Constitutional Law and the Tariff, and so discussing them as to com-

mand general attention. The press, in their day, was far from being the power it now is, and the people not only listened attentively to their speeches, but read them over with thoughtful attention. During what may now be called the middle period of the Republic, they educated a generation of citizens, and the views which they instilled into the popular mind produced the most momentous results. However severely one may condemn any line of thought developed by the great trio, no one can doubt the sincerity which gave inspiration to those ideas, or deny the potency of the oratory. It would be impossible to understand later American history without weighing well their speeches.

The next generation of orators were not as gifted in the power of eloquence, perhaps, as that triumvirate; but the speeches of such men as Seward, Sumner, Douglas, Lincoln, and their compeers, shaped the destinies of the country.

Every Congress is not only a law-making body, but a grand lyceum. It is true, that many speeches are made which serve only to cumber the records, but it is none the less true that, taken as a whole, the debates of that body have quite as much to do with determining the course of events in this country as the legislation enacted beneath the dome of the Capitol. It is not the startling bursts of eloquence alone which exert influence, but the carefully prepared presentations of facts and arguments on live topics of the day, unadorned, though they may be, with the gems of eloquence. They are to American oratory what the necessities of life are to existence. We cannot live on luxuries alone.

It will be observed that some of the orators given place in this volume belong to the class who have become famous without having the advantages of the Congressional platform from which to address the country. The supreme orators of the present day, Beecher and Ingersoll, have only had the platform of their own transcendent genius from which to address the public. The two great orators of



classic literature were strongest in denunciation ; but these masters of eloquence have shown the world that, under the genial light of modern civilization, oratory reaches its perfection in pathos and the poetry of prose. Indeed, American oratory, taken as a whole, presents a most pleasing picture of vital force, rather than destructive energy. It is not the seething lava of a volcano, but the germinal heat of the sun.

I cannot close this introduction without reverting to the admirable judgment displayed in the preparation of this book. Combining, as it does, authorship and compilation, it required a two-fold qualification. To have failed in either would have been a fatal defect; but so marked is the success in both departments that the most captious criticism would be disarmed, and the most exacting demand has been met. It supplies a felt want. Not only public speakers and those who aspire to oratorical proficiency, but every American, who wishes to understand the thought-life of his country, as expressed through, influenced by, and created out of, public speech, will find in these pages the guidance and enlightenment which he requires.

It may be remarked, in conclusion, that the portraits given serve a higher purpose than ornamentation and the gratification of curiosity. They will assist the reader in associating the biographical sketches and orations with the right persons, and give definiteness to the impressions made. They will also be of great usefulness in the family circle. Children, who would otherwise leave the book untouched, will become interested, and through them be curious to know about the men themselves, and why they were famous. Thus, old and young will derive benefit and pleasure from the same source, however different the incentives. It is of prime importance, in a volume for general circulation, to minister to the mental needs of different ages, and of all classes and sections.





JOHN ADAMS.

ENGRAVED FOR CRATCHER AND CRATCHER, FAIRBANKS, PALMER & CO., PUBLISHERS.

## JOHN ADAMS.

**J**OHAN ADAMS, the second President of the United States, and one of the principal leaders in the struggle for independence, was born in Braintree, now Quincy, Massachusetts, Oct. 30, 1735. He enjoyed the benefits of a liberal education, taking a four years' course of instruction in Harvard College, from which institution he graduated in 1755. He immediately entered upon the study of law, first in the office of Mr. James Putnam, of Worcester, Massachusetts, and afterward with Jeremy Gridley, who at that time was Attorney-General of the province, and with whom James Otis had formerly studied. Mr. Gridley must have trained them well, for two stronger patriots could scarcely be found in all the colonies, yet he could not unite with them in their fiery ardor for liberty.

In 1758 Mr. Adams was admitted to the bar, and devoted himself faithfully to the practice of his profession. He was accustomed to investigate all questions coming before him thoroughly and impartially. His love for justice and right was a ruling power with him, and he hesitated not to take that side of the

question which was right, however unpopular and dangerous it might be.

He was not long in winning his way to distinction, and in 1766 he removed from Braintree, where he had first settled, to the city of Boston, where his practice was more extensive and remunerative, his advantages more numerous, and the field of his influence more widely extended. During the years of agitation preceding the outbreak of the Revolution, Mr. Adams was not idle. He contributed to the growing ideas of the day, and helped to prepare the people for what he believed was to be in the near future. The friends of the King thought it worth while to try and unite him to their ranks, and soon after his removal to Boston, he was solicited to accept the office of advocate-general. This tempting offer he declined, as he would in no way connect himself in an official capacity with the Crown. He was twice chosen councilor, but was objected to by Governor Hutchinson, in 1773, and by Governor Gage the year following.

He was a member of the Continental Congress which met in 1774, and was

active and prominent in all its deliberations. It was Adams, who, on the 14th of June, 1775, after the war had actually begun, moved to appoint George Washington commander-in-chief of the colonial armies. He was among the earliest to recognize the fact that there was no hope for the colonies but in separate government, and in May, 1776, he moved in Congress that the colonies proceed to adopt some adequate system of government, and in June, seconded the motion of Richard Henry Lee, that the colonies declare themselves free and independent.

Mr. Adams was one of the committee appointed to draft the declaration; the other members being Thomas Jefferson, Benjamin Franklin, Roger Sherman, and Robert R. Livingston.

Mr. Adams and Mr. Jefferson were appointed a sub-committee to prepare the report, and the draft of the report was drawn by Mr. Jefferson, while Mr. Adams was its great advocate and defender on the floor of the Congress.

Mr. Adams was untiring in his services to his country; he was appointed one of the commissioners to the court of Versailles, in 1777, and, in 1779, was

a member of the convention called to frame a system of government for Massachusetts, and served on the committee appointed to prepare the plan.

The latter part of the same year he was again sent abroad as a plenipotentiary to treat for peace, and also to negotiate a commercial treaty with Great Britain. Four others were afterward united with him in this duty.

In 1785 he was appointed first minister to the court of St. James, London, but returned to his native land in 1788, and was the same year elected the first vice-president under the new constitution. He was re-elected in 1792, and was, at the close of Washington's administration, in 1796, advanced to the presidency. Mr. Adams was one of the leading spirits in the Federal party, and when it went out of power, he retired to private life, having served but one term in the executive chair.

Mr. Adams devoted his remaining years to agricultural and literary pursuits, living a life of quietness and peace, until the 4th of July, 1826, when he quietly fell asleep, just fifty years from that first eventful 4th when he gave his vote and name to the immortal Declaration.



## INDEPENDENCE.

*Mr. Adams' Speech Favoring the Declaration of Independence, delivered in 1776.*

**MR. PRESIDENT:**—Sink or swim, live or die, survive or perish, I give my hand and my heart to this vote. It is true, indeed, that in the beginning we aimed not at independence. But there's a divinity which shapes our ends. The injustice of England has driven us to arms, and, blinded to her own interest for our good, she has obstinately persisted, till independence is now within our grasp. We have but to reach forth to it, and it is ours.

Why then, should we defer the declaration? Is any man so weak as now to hope for a reconciliation with England, which shall leave either safety to the country and its liberties, or safety to his own life and his own honor? Are not you, sir, who sit in that chair, is not he, our venerable colleague near you, are you not both already the proscribed and predestined objects of punishment and of vengeance? Cut off from all hope of royal clemency, what are you, what can you be, while the power of England remains, but outlaws?

If we postpone independence, do we mean to carry on, or to give up the war? Do we mean to submit to the measures of Parliament, Boston port bill, and all? Do we mean to submit, and consent that we ourselves shall be ground to powder, and our country and its rights trodden down in the dust? I know we do not mean to submit. We never shall submit.

Do we intend to violate that most solemn obligation ever entered into by men—that plighting, before God, of our sacred honor to Washington, when, putting him forth to incur the dangers of war, as well as the political hazards of the times, we promised to adhere to him, in every extremity, with our fortunes and our

lives? I know there is not a man here who would not rather see a general conflagration sweep over the land, or an earthquake sink it, than one jot or tittle of that plighted faith fall to the ground.

For myself, having, twelve months ago, in this place, moved you that George Washington be appointed commander of the forces, raised or to be raised, for defense of American liberty, may my right hand forget her cunning, and my tongue cleave to the roof of my mouth, if I hesitate or waver, in the support I give him. The war, then, must go on. We must fight it through. And if the war must go on, why put off longer the Declaration of Independence? That measure will strengthen us. It will give us character abroad.

The nations will then treat with us, which they never can do while we acknowledge ourselves subjects, in arms against our sovereign. Nay, I maintain that England herself will sooner treat for peace with us on the footing of independence, than consent, by repealing her acts, to acknowledge that her whole conduct toward us has been a course of injustice and oppression. Her pride will be less wounded by submitting to that course of things which now predestinates our independence, than by yielding the points in controversy to her rebellious subjects. The former she would regard as the result of fortune; the latter she would feel as her own deep disgrace. Why, then—why, then sir, do we not, as soon as possible, change this from a civil to a national war? And since we must fight it through, why not put ourselves in a state to enjoy all the benefits of victory, if we gain the victory?

---

JOHN ADAMS.

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can be no worse for us. But we  
The cause will raise up armies;  
create navies. The people, the  
e true to them, will carry us, and  
nselves, gloriously through this  
re not how fickle other people  
id. I know the people of these  
know that resistance to British  
leep and settled in their hearts,  
radicated. Every colony, indeed,  
ts willingness to follow, if we but  
Sir, the Declaration will inspire  
Increased courage. Instead of a  
y war for restoration of privileges,  
rievances, for chartered immuni-  
a British king, set before them  
ject of entire independence, and  
nto them anew the breath of life.  
claration at the head of the army;  
ill be drawn from its scabbard,  
vow uttered to maintain it, or to  
ed of honor. Publish it from the  
i will approve it, and the love of  
will cling round it, resolved to  
or fall with it. Send it to the  
roclaim it there; let them hear it  
first roar of the enemy's cannon;  
who saw their brothers and their  
field of Bunker Hill, and in the  
ughton and Concord, and the very  
ut in its support.  
he uncertainty of human affairs,  
clearly through this day's busi-  
I, indeed, may rue it. We may

not live to the time when this declaration shall  
be made good. We may die; die, colonists; die,  
slaves; die, it may be, ignominiously, and on  
the scaffold. Be it so. Be it so. If it be the  
pleasure of Heaven that my country shall re-  
quire the poor offering of my life, the victim  
shall be ready, at the appointed hour of sacrifice,  
come when that hour may. But while I do live,  
let me have a country, or at least the hope of a  
country, and that a free country.

But whatever may be our fate, be assured, be  
assured that this declaration will stand. It may  
cost treasure, and it may cost blood; but it will  
stand, and it will richly compensate for both.  
Through the thick gloom of the present, I see  
the brightness of the future, as the sun in  
heaven. We shall make this a glorious, an im-  
mortal day. When we are in our graves, our  
children will honor it. They will celebrate it  
with thanksgiving, with festivity, with bonfires  
and illuminations. On its annual return, they  
will shed tears, copious, gushing tears, not of  
subjection and slavery, not of agony and dis-  
tress, but of exultation, of gratitude, and of joy.

Sir, before God, I believe the hour is come.  
My judgment approves this measure, and my  
whole heart is in it. All that I have, and all  
that I am, and all that I hope, in this life, I am  
now ready here to stake upon it; and I leave off  
as I begun, that, live or die, survive or perish, I  
am for the Declaration. It is my living senti-  
ment, and by the blessing of God, it shall be  
my dying sentiment; independence *now*; and  
INDEPENDENCE FOREVER!









PATRICK HENRY.

ENGRAVED FOR ORATORY AND ORATORY, FAIRBANKS, PALMER & CO., PUBLISHERS.

## PATRICK HENRY.

**P**ATRICK HENRY, son of John Henry, an emigrant from Scotland, was born in Hanover county, Virginia, May 29, 1736.

In his early youth he was fond of outdoor athletic sports, and cared but little for study, but as he grew older he acquired a strong taste for historical reading, and devoted himself to the subject with earnestness and success, as his subsequent life proved. At the age of fifteen, he was clerk in a country store; at sixteen, he was a partner with his brother in the mercantile business. They soon failed, and another venture of the same kind, soon after, proved equally unsuccessful. At eighteen he married, and tried various ways of making a livelihood, but found his wants increasing, while his income was small and uncertain. He turned his attention to the law, and, after a few weeks' preparatory study, was admitted to the bar. For three years his practice was limited, his name unknown, except in his own region, and debts gathering upon him. At twenty-seven he became famous through his eloquent plea in the celebrated "Parsons case," his practice

increased, and his fees were numerous. Mr. Henry took a deep interest in the political questions of the times, and his eloquence was always used in opposition to oppression and wrong. In 1765 he was elected a member of the Virginia House of Burgesses. He was progressive in his ideas, and fearless and independent in expressing them. He introduced and secured the adoption of a resolution that "the General Assembly of this colony has the sole right and power to lay taxes and impositions upon the inhabitants of this colony." It was adopted by a majority of one vote, and Mr. Henry, supposing the work completed, started for his home. Those who were opposed to the resolution succeeded in having it expunged from the record the following day.

In 1774 he was a member of the Virginia convention which advocated the holding of an annual congress by the colonies, and gave his support to that measure.

The following year, at the head of a body of militia, he compelled the royal officers to pay three hundred and thirty pounds for powder, which the governor

had secretly removed, and when there was no longer any hope for a peaceful solution of the difficulties with the mother country, Mr. Henry was appointed colonel of the first regiment, and commander of all the forces to be raised in Virginia. This office he soon resigned. He was a member of the first continental congress, and of the Virginia convention of 1776. The same year he was elected governor of the colony, and was re-elected in 1777 and 1778, when he was succeeded by Jefferson. He was a member of the legislature from 1780 to 1784, when he was again elected governor. Two years later he withdrew from public life, and devoted himself to the practice of his profession. During the years of his public service, debts had been accumulating, and he devoted his time and talents to the bettering of his condition. In 1787 he was chosen a member of

the Constitutional convention which assembled in Philadelphia, but did not attend. The following year, as a member of the Virginia convention, he bitterly opposed the ratification of the Federal constitution. After this, he declined to again enter public life, though repeatedly solicited to do so, until in 1799, when he was elected to the State Legislature. He did not live to take his seat, his death occurring June 6, 1799.

Mr. Henry was a man of marked and peculiar power as an orator. He could sway the minds of the cultured and the ignorant with equal ease. He could rouse to action, or quiet the raging passions. He was a born actor, and understood how to use his powers with the best effect. While he was not a wise and accomplished statesman, he exercised a strong influence on the destinies of his country.



### THE FEDERAL CONSTITUTION.

*Mr. Henry's Opposing Speech, delivered in 1788.*

MR. CHAIRMAN:—The proposal of ratification is premature. The importance of the subject requires the most mature deliberation. The honorable member must forgive me for declaring my dissent from it, because, if I understand it rightly, it admits that the new system is defective, and most capitally, for, immediately after the proposed ratification, there comes a declaration that the paper before you is not intended to violate any of these three great rights—the liberty of religion, liberty of the

press, and the trial by jury. What is the inference, when you enumerate the rights which you are to enjoy? That those not enumerated are relinquished. There are only three things to be retained: Religion, freedom of the press, and trial by jury. Will not the ratification carry everything, without excepting these three things? Will not all the world pronounce that we intend to give up all the rest? Everything it speaks of, by way of rights, is comprised in these three things. Your subsequent

amendments only go to these three amendments. I feel myself distressed, because the necessity of securing our personal rights seems not to have pervaded the minds of men; for many other valuable things are omitted. For instance: General warrants, by which an officer may search suspected places without evidence of the commission of a fact, or seize any person without evidence of his crime, ought to be prohibited. As these are admitted, any man may be seized; any property may be taken in the most arbitrary manner, without any evidence or reason. Everything, the most sacred, may be searched and ransacked by the strong hand of power. We have infinitely more reason to dread general warrants here than they have in England; because there, if a person is confined, liberty may be quickly obtained by the writ of *habeas corpus*. But here, a man living many hundred miles from the judges, may rot in prison before he can get that writ. Another most fatal omission is with respect to standing armies. In your bill of rights of Virginia, they are said to be dangerous to liberty; and it tells you that the proper defense of a free State consists in militia; and so I might go on to ten or eleven things of immense consequence, secured in your bill of rights, concerning which that proposal is silent. Is that the language of the bill of rights in England? Is it the language of the American bill of rights, that these three rights, and these only, are valuable? Is it the language of men going into a new government? Is it not necessary to speak of those things before you go into a compact? How do these things stand? As one of the parties, we declare we do not mean to give them up. This is very dictatorial; much more so than the conduct which proposes alterations as the condition of adoption. In a compact, there are two parties—one accepting, and another proposing. As a party, we propose that we shall secure these three things; and before we have the assent of the other contracting party, we go into the compact, and leave these things at their mercy.

What will be the consequence? Suppose the other States will call this dictatorial; they will say, Virginia has gone into the government, and carried with her certain propositions, which, she says, ought to be concurred in by the other States. They will declare that she has no right to dictate to other States the conditions on which they shall come into the Union. According to the honorable member's proposal, the ratification will cease to be obligatory unless they accede to these amendments. We have ratified it. You have committed a violation, they will say. They have not violated it. We say we will go out of it. You are then reduced to a sad dilemma—to give up these three rights, or leave the government. This is worse than our present confederation, to which we have hitherto adhered honestly and faithfully. We shall be told we have violated it, because we have left it for the infringement and violation of conditions which they never agreed to be a part of the ratification. The ratification will be complete. We, as the other, accede to it, and propose the security of these three great rights; for it is only a proposal. In order to secure them, you are left in that state of fatal hostility, which I shall as much deplore as the honorable gentleman. I exhort gentlemen to think seriously before they ratify this constitution, and persuade themselves that they will succeed in making a feeble effort to get amendments after adoption. With respect to that part of the proposal which says that every power not granted remains with the people, it must be previous to adoption, or it will involve this country in inevitable destruction. To talk of it is a thing subsequent, not as one of your inalienable rights, is leaving it to the casual opinion of the Congress who shall take up the consideration of the matter. They will not reason with you about the effect of this constitution. They will not take the opinion of this committee concerning its operation. They will construe it as they please. If you place it subsequently, let me ask the consequences. Among ten thousand implied powers which

they may assume, they may, if we be engaged in war, liberate every one of your slaves, if they please. And this must and will be done by men, a majority of whom have not a common interest with you. They will, therefore, have no feeling for your interests.

It has been repeatedly said here that the great object of a national government is national defence. That power which is said to be intended for security and safety, may be rendered detestable and oppressive. If you give power to the general government to provide for the general defence, the means must be commensurate to the end. All the means in the possession of the people must be given to the government which is intrusted with the public defence. In this State there are two hundred and thirty-six thousand blacks, and there are many in several other States; but there are few or none in the Northern States; and yet, if the Northern States shall be of opinion that our numbers are numberless, they may call forth every national resource. May Congress not say, that every black man must fight? Did we not see a little of this in the last war? We were not so hard pushed as to make emancipation general; but acts of Assembly passed, that every slave who would go to the army should be free. Another thing will contribute to bring this event about: Slavery is detested; we feel its fatal effects; we deplore it with all the pity of humanity. Let all these considerations, at some future period, press with full force on the minds of Congress. Let that urbanity, which I trust will distinguish America, and the necessity of national defence—let all these things operate on their minds, and they will search that paper, and see if they have power of manumission. And have they not, sir? Have they not power to provide for the general defence and welfare? May they not think that these call for the abolition of slavery? May they not pronounce all slaves free, and will they not be warranted by that power? There is no ambiguous implication, or logical deduction.

The paper speaks to the point. They have the power in clear, unequivocal terms, and will clearly and certainly exercise it. As much as I deplore slavery, I see that prudence forbids its abolition. I deny that the general government ought to set them free, because a decided majority of the States have not the ties of sympathy and fellow-feeling for those whose interest would be affected by their emancipation. The majority of Congress is to the North, and the slaves are to the South. In this situation I see a great deal of the property of the people of Virginia in jeopardy, and their peace and tranquillity gone away. I repeat it again, that it would rejoice my very soul that every one of my fellow-beings was emancipated. As we ought with gratitude to admire that decree of Heaven which has numbered us among the free, we ought to lament and deplore the necessity of holding our fellow-men in bondage. But is it practicable, by any human means, to liberate them, without producing the most dreadful and ruinous consequences? We ought to possess them in the manner we have inherited them from our ancestors, as their manumission is incompatible with the felicity of the country. But we ought to soften, as much as possible, the rigor of their unhappy fate. I know that in a variety of particular instances, the legislature, listening to complaints, have admitted their emancipation. Let me not dwell on this subject. I will only add that this, as well as every other property of the people of Virginia, is in jeopardy, and put in the hands of those who have no similarity of situation with us. This is a local matter, and I can see no propriety in subjecting it to Congress.

[Here Mr. Henry informed the committee that he had a resolution prepared, to refer a declaration of rights, with certain amendments to the most exceptional part of the Constitution, to the other States in the confederacy, for their consideration, previous to its ratification. The clerk then read the resolution, the declaration of rights, and amendments, which were nearly the

same as those ultimately proposed by the Convention, for the consideration of Congress. He then resumed the subject.] I have thus candidly submitted to you, Mr. Chairman, and this committee, what occurred to me as proper amendments to the Constitution, and the declaration of rights containing those fundamental, inalienable privileges, which I conceive to be essential to liberty and happiness. I believe that, on a review of these amendments, it will still be found that the arm of power will be sufficiently strong for national purposes, when these restrictions shall be a part of the government. I believe no gentleman who opposes me in sentiment, will be able to discover that any one feature of a strong government is altered; and at the same time your inalienable rights are secured by them. The government unaltered may be terrible to America, but can never be loved, till it be amended. You find all the resources of the continent may be drawn to a point. In danger, the President may concentrate to a point every effort of the continent. If the government be constructed to satisfy the people and remove their apprehensions, the wealth and strength of the continent will go where public utility shall direct. This government, with these restrictions, will be a strong government united with the privileges of the people. In my weak judgment, a government is strong, when it applies to the most important end of all governments—the rights and privileges of the people. In the honorable member's proposal, jury trial, the press, and religion, and other essential rights, are not to be given up. Other essential rights—what are they? The world will say, that you intended to give them up. When you go into an enumeration of your rights, and stop that enumeration, the inevitable conclusion is, that what is omitted is intended to be surrendered.

Anxious as I am to be as little troublesome as possible, I cannot leave this part of the subject without adverting to one remark of the honorable gentleman. He says, that, rather than bring

the Union into danger, he will adopt it with its imperfections. A great deal is said about disunion, and its consequent dangers. I have no claim to a greater share of fortitude than others; but I can see no kind of danger. I form my judgment on a single fact alone, that we are at peace with all the world; nor is there any apparent cause of a rupture with any nation in the world. Is it among the American States that the cause of disunion is to be feared? Are not the States using all their efforts for the promotion of union? New England sacrifices local prejudices for the purposes of union. We hear the necessity of the union, and predilection for the union, re-echoed from all parts of the continent; and all at once disunion is to follow! If gentlemen dread disunion, the very thing they advocate will inevitably produce it. A previous ratification will raise insurmountable obstacles to union. New York is an insurmountable obstacle to it, and North Carolina also. They will never accede to it till it be amended. A great part of Virginia is opposed, most decidedly, to it, as it stands. This very spirit which will govern us in these three States, will find a kindred spirit in the adopting States. Give me leave to say, that it is very problematical whether the adopting States can stand on their own legs. I hear only on one side, but as far as my information goes, there are heart-burnings and animosities among them. Will these animosities be cured by subsequent amendments?

Turn away from American, and consider European politics. The nations there, which can trouble us, are France, England, and Spain. But at present we know for a certainty, that those nations are engaged in a very different pursuit from American conquests. We are told by our intelligent ambassador, that there is no such danger as has been apprehended. Give me leave then to say, that dangers from beyond the Atlantic are imaginary. From these premises, then, it may be concluded that, from the

creation of the world to this time, there never was a more fair and proper opportunity than we have at this day to establish such a government as will permanently establish the most transcendent political felicity. Since the Revolution there has not been so much experience. Since then, the general interests of America have not been better understood, nor the Union more ardently loved, than at this present moment. I acknowledge the weakness of the old confederation. Every man says, that something must be done. Where is the moment more favorable than this? During the war, when ten thousand dangers surrounded us, America was magnanimous. What was the language of the little State of Maryland? "I will have time to consider. I will hold out three years. Let what may come, I will have time to reflect." Magnanimity appeared everywhere. What was the upshot?—America triumphed. Is there anything to forbid us to offer these amendments to the other States? If this moment goes away unimproved, we shall never see its return. We now act under a happy system, which says that a majority may alter the government when necessary. But by the paper proposed, a majority will forever endeavor in vain to alter it. Three-fourths may. Is not this the most promising time for securing the necessary alterations? Will you go into that government, where it is a principle that a contemptible minority may prevent an alteration? What will be the language of the majority? Change the government—Nay, seven-eighths of the people of America may wish the change; but the minority may come with a Roman *veto*, and object to the alteration. The language of a magnanimous

country and of freemen is, Till you remove the defects, we will not accede. It would be in vain for me to show that there is no danger to prevent our obtaining those amendments, if you are not convinced already. If the other States will not agree to them, it is not an inducement to union. The language of this paper is not dictatorial, but merely a proposition for amendments. The proposition of Virginia met with a favorable reception before. We proposed that convention which met at Annapolis. It was not called dictatorial. We proposed that at Philadelphia. Was Virginia thought dictatorial? But Virginia is now to lose her pre-eminence. Those rights of equality, to which the meanest individual in the community is entitled, are to bring us down infinitely below the Delaware people. Have we not a right to say, Hear our propositions? Why, sir, your slaves have a right to make their humble requests. Those who are in the meanest occupations of human life, have a right to complain. What do we require? Not pre-eminence, but safety; that our citizens may be able to sit down in peace and security under their own fig-trees. I am confident that sentiments like these will meet with unison in every State; for they will wish to banish discord from the American soil. I am certain that the warmest friend of the Constitution wishes to have fewer enemies—fewer of those who pester and plague him with opposition. I could not withhold from my fellow-citizens anything so reasonable. I fear you will have no union, unless you remove the cause of opposition. Will you sit down contented with the name of union, without any solid foundation?









ALEXANDER HAMILTON.

ENGRAVED FOR ORATORS AND ORATORY, BY FRANKS, PALMER & CO., PUBLISHERS.

## ALEXANDER HAMILTON.

**A**LEXANDER HAMILTON was born on the island of Nevis, one of the West Indies, January 11, 1757. His father was a Scotch emigrant, and his mother a Huguenot. He enjoyed the best educational advantages which could be had at St. Croix, whither he had been taken under the care of some of his mother's relatives, after her death, and his father's failure in business. These advantages were quite limited, however, and in 1769, when about thirteen years of age, he was taken by Mr. Nicholas Conger into his counting house, where he rapidly mastered the details of the entire business. The following year he was left in sole management of the business, while Mr. Conger was on a foreign journey. This was a weighty trust to be imposed upon one so young, but the manner in which the entire business and correspondence was conducted, showed that his employer's confidence was well founded.

This early practical training led him to a careful and thorough study of the principles and laws of trade, and laid the foundation for that exhaustive study

of all questions requiring his attention, for which he was so noted throughout his life. In 1772 an opportunity offered for going to New York, where he could enjoy the better educational facilities of that city and neighborhood. Of this he gladly availed himself. A year was spent in the Grammar school in Elizabethtown, New Jersey, and in 1774 he entered what is now called Columbia College, in New York. During the same year, though very young, he turned his attention to the thorough study of the political condition of the colonies, and particularly their relation to the mother country. He decided that duty led him to act with them in opposition to the oppressive measures adopted and insisted on by the English Government. Before his eighteenth year, he had contributed some very important papers to the discussion of the exciting questions then before the colonies, and his fame as an orator and writer was established. He did not confine himself to the mere discussion of the questions, but prepared to make his aid of value on the field of conflict, which he believed could not be avoided. He united

with, and was chosen captain of, an artillery company before leaving college, and applied himself to the mastery of that branch of military science. With his well-drilled company, he rendered efficient aid in the battles of Long Island, Harlem Plains, Chatterton Hill, New Brunswick, Trenton, and Princeton. In these engagements his courage and skill were conspicuous, attracting the attention of General Washington, and commanding his admiration.

In 1777 he became private secretary and aid-de-camp to the commander-in-chief, with the rank of lieutenant-colonel, and continued to act in this capacity until 1781, when he resigned. He could not be idle. Having laid down the sword, he continued to wield the pen, and contributed papers on the nature and defects of the articles of confederation, looking to a more stable and efficient form of government, and leading the people to a proper appreciation of the important position in which they were establishing themselves as an independent nation.

Hamilton returned to the army before the close of the war, and, in command of a battalion of light infantry, took an active part in the closing scenes of the war, and the capture of the army of Cornwallis. The war being ended, and independence an assured fact, the active mind of Hamilton, turned entirely from the trials and toils of military strife, grappled with the no less important questions which now claimed the most

earnest attention of the new nation.

The articles of confederation had been adopted without that mature deliberation which should have been accorded them, but which could not be given on account of the exigencies of actual war. The necessities and dangers of the times had held the separate colonies together, and, in a large measure, directed and controlled their action. The time had arrived when the defects of the articles could be carefully and thoroughly examined, and some better bond of union and system of government adopted. Hamilton turned his thought to this subject, while pursuing his legal studies and practice, to secure a livelihood for his family.

He was in favor of a strong and efficient union of the States, acting under a general government, that should be superior to any state government. Many pamphlets and papers were written by him, conveying to the people his ideas on this subject.

He was a delegate in Congress in 1782, 1787 and 1788. He was a member of the convention which assembled at Annapolis in 1786, and also of the convention which assembled in Philadelphia, and formed the constitution for a more perfect union between the States. He was afterward a member of the convention called in New York to decide the course of that State toward the proposed constitution. When the convention met, those in favor of ratifying

it were in a small minority. Hamilton was one of that minority, and so faithful and skillful was he, and others with him, that the convention finally ratified the measure, and placed the State in her proper place in the Union.

When Washington was elected president under the new form of government, he called Hamilton to the head of the treasury department, where, as everywhere else, he discharged his duties in such a way as to bring abiding prosperity to his country. In the dark days of the war he had written some letters and papers to Mr. Morris and others, on the financial measures calculated to improve the condition of the colonies, and relieve the distress of their armies. In these, and the financial papers and reports prepared by him while Secretary of the Treasury, he manifested a deeper and truer insight into the science of finance than any other man of his time. Nor has any one since shown a better knowledge of the principles underlying that department of the government's work.

In 1795 he retired to private life, that

he might by the practice of his profession, secure the means necessary for the comfort of his family.

Three years later he was again called into public life by the threatened war with France. He was appointed inspector-general for the organization of the army, and on the death of Washington, in 1799, succeeded to the chief command. As a member of Congress, he took a prominent part in the deliberations of that body. In 1801, when the election of president was thrown into the house, and the choice lay between Jefferson and Burr, Mr. Hamilton exerted his influence for the former, and was successful.

He afterward opposed Burr's candidacy for the governorship of New York. Burr, excited by the opposition, and believing that he was indebted to Hamilton for his defeat, sought a hostile meeting with him for the settlement of the trouble. In this he was successful. They met on the 11th of July, 1804, and Hamilton fell mortally wounded at the first fire.

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### THE UTILITY OF THE UNION IN RESPECT TO REVENUE.

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The effects of union upon the commercial prosperity of the States have been sufficiently delineated. Its tendency to promote the interests of revenue will be the subject of our present inquiry.

A prosperous commerce is now perceived and

acknowledged by all enlightened statesmen to be the most useful, as well as the most productive, source of national wealth, and has accordingly become a primary object of their political cares. By multiplying the means of gratification, by promoting the introduction and circula-

tion of the precious metals, those darling objects of human avarice and enterprise, it serves to vivify and invigorate all the channels of industry, and to make them flow with greater activity and copiousness. The assiduous merchant, the laborious husbandman, the active mechanic, and the industrious manufacturer—all orders of men—look forward with eager expectation and growing alacrity to this pleasing reward of their toils. The often-agitated question between agriculture and commerce has, from indubitable experience, received a decision which has silenced the rivalships that once subsisted between them, and has proved, to the entire satisfaction of their friends, that their interests are intimately blended and interwoven. It has been found in foreign countries, that in proportion as commerce has flourished, land has risen in value. And how could it have happened otherwise? Could that which procures a freer vent for the products of the earth; which furnishes new incitements to the cultivators of land; which is the most powerful instrument in increasing the quantity of money in a State—could that, in fine, which is the faithful handmaid of labor and industry in every shape, fail to augment the value of that article, which is the prolific parent of far the greater part of the objects upon which they are exerted? It is astonishing that so simple a truth should ever have had an adversary; and it is one among a multitude of proofs, how apt a spirit of ill-informed jealousy, or of too great abstraction and refinement, is to lead men astray from the plainest paths of reason and conviction.

The ability of a country to pay taxes must always be proportioned, in a great degree, to the quantity of money in circulation, and to the celerity with which it circulates. Commerce, contributing to both these objects, must of necessity render the payment of taxes easier, and facilitate the requisite supplies to the treasury. The hereditary dominions of the Emperor of Germany contain a great extent of fertile, cultivated, and populous territory, a large proportion

of which is situated in mild and luxuriant climates. In some parts of this territory are to be found the best gold and silver mines in Europe. And yet, from the want of the fostering influence of commerce, that monarch can boast but slender revenues. He has several times been compelled to owe obligations to the pecuniary succors of other nations, for the preservation of his essential interests, and is unable, upon the strength of his own resources, to sustain a long or continued war.

But it is not in this aspect of the subject alone that union will be seen to conduce to the purposes of revenue. There are other points of view in which its influence will appear more immediate and decisive. It is evident from the state of the country, from the habits of the people, from the experience we have had on the point itself, that it is impracticable to raise any very considerable sums by direct taxation. Tax laws have in vain been multiplied; new methods to enforce the collection have in vain been tried; the public expectation has been uniformly disappointed, and the treasuries of the States have remained empty. The popular system of administration inherent in the nature of popular government, coinciding with the real scarcity of money incident to a languid and mutilated state of trade, has hitherto defeated every experiment for extensive collections, and has at length taught the different legislatures the folly of attempting them.

No person acquainted with what happens in other countries, will be surprised at this circumstance. In so opulent a nation as that of Britain, where direct taxes from superior wealth must be much more tolerable, and, from the vigor of the government, much more practicable, than in America, far the greatest part of the national revenue is derived from taxes of the indirect kind; from imposts, and from excises. Duties on imported articles form a large branch of this latter description.

In America it is evident that we must a long

time depend for the means of revenue chiefly on such duties. In most parts of it, excises must be confined within a narrow compass. The genius of the people will ill brook the inquisitive and peremptory spirit of excise laws. The pockets of the farmers, on the other hand, will reluctantly yield but scanty supplies, in the unwelcome shape of impositions on their houses and lands; and personal property is too precarious and invisible a fund to be laid hold of in any other way than by the imperceptible agency of taxes on consumption.

If these remarks have any foundation, that state of things which will best enable us to improve and extend so valuable a resource, must be the best adapted to our political welfare. And it cannot admit of a serious doubt that this state of things must rest on the basis of a general union. As far as this would be conducive to the interests of commerce, so far it must tend to the extension of the revenue to be drawn from that source. As far as it would contribute to render regulations for the collection of the duties more simple and efficacious, so far it must serve to answer the purposes of making the same rate of duties more productive, and of putting it into the power of government to increase the rate, without prejudice to trade.

The relative situation of these States; the number of rivers with which they are intersected, and of bays that wash their shores; the facility of communication in every direction; the affinity of language and manners; the familiar habits of intercourse—all these are circumstances that would conspire to render an illicit trade between them a matter of little difficulty, and would insure frequent evasions of the commercial regulations of each other. The separate States, or confederacies, would be driven by mutual jealousy to avoid the temptations to that kind of trade, by the lowness of their duties. The temper of our government, for a long time to come, would not permit those rigorous precautions by which the European nations guard

the avenues into their respective countries, as well by land as by water, and which, even there, are found insufficient obstacles to the adventurous stratagems of avarice.

In France, there is an army of patrols (as they are called) constantly employed to secure her fiscal regulations against the inroads of the dealers in contraband. Mr. Neckar computes the number of these patrols at upward of twenty thousand. This proves the immense difficulty in preventing that species of traffic where there is an inland communication, and shows in a strong light the disadvantages with which the collection of duties in this country would be encumbered, if, by disunion, the States should be placed in a situation with respect to each other, resembling that of France with respect to her neighbors. The arbitrary and vexatious powers with which the patrols are necessarily armed, would be intolerable in a free country.

If, on the contrary, there be but one government pervading all the States, there will be, as to the principal part of our commerce, but *one side to guard*—the *Atlantic coast*. Vessels arriving directly from foreign countries, laden with valuable cargoes, would rarely choose to expose themselves to the complicated and critical perils which would attend attempts to unlade prior to their coming into port. They would have to dread both the dangers of the coast and of detection, as well after as before their arrival at the places of their final destination. An ordinary degree of vigilance would be competent to the prevention of any material infractions upon the rights of the revenue. A few armed vessels, judiciously stationed and employed, might, at small expense, be made useful sentinels of the laws. And the government having the same interest to provide against violations everywhere, the co-operation of its measures in each State would have a powerful tendency to render them effectual. Here, also, we should preserve, by union, an advantage which nature holds out to us, and which would be relinquished by separa-

tion. The United States lie at a great distance from Europe, and at a considerable distance from all other places with which they would have extensive connections of foreign trade. The passage from them to us in a few hours, or in a single night, as between the coasts of France and Britain, and of other neighboring nations, would be impracticable. This is a prodigious security against a direct contraband with foreign countries; but a circuitous contraband to one State, through the medium of another, would be both easy and safe. The difference between a direct importation from abroad, and an indirect importation through the channel of an adjoining State, in small parcels, according to time and opportunity, with the additional facilities of inland communication, must be palpable to every man of discernment.

It is, therefore, evident that one national government would be able, at much less expense, to extend the duties on imports beyond comparison further than would be practicable to the States separately, or to any partial confederacies. Hitherto, I believe, it may safely be asserted that these duties have not, upon an average, exceeded in any State three per cent. In France they are estimated at about fifteen per cent., and in Britain the proportion is still greater. There seems to be nothing to hinder their being increased in this country to at least treble their present amount. The single article of ardent spirits, under federal regulation, might be made to furnish a considerable revenue. According to the ratio of importation into this State, the whole quantity imported into the United States may, at a low computation, be estimated at four millions of gallons, which, at a shilling per gallon, would produce two hundred thousand pounds. That article would well bear this rate of duty, and if it should tend to diminish the consumption of it, such an effect would be equally favorable to the agriculture, to the economy, to the morals, and to the health of society. There is, perhaps, nothing so much a subject of national extravagance as this very article.

What will be the consequence, if we are not able to avail ourselves of the resource in question in its full extent? A nation cannot long exist without revenue. Destitute of this essential support, it must resign its independence, and sink into the degraded condition of a province. This is an extremity to which no government will, of choice, accede. Revenue, therefore, must be had at all events. In this country, if the principal part be not drawn from commerce, it must fall with oppressive weight upon land. It has been already intimated that excises, in their true signification, are too little in unison with the feelings of the people, to admit of great use being made of that mode of taxation; nor, indeed, in the States where almost the sole employment is agriculture, are the objects proper for excise sufficiently numerous to permit very ample collections in that way. Personal estate, as before remarked, from the difficulty of tracing it, cannot be subjected to large contributions by any other means than by taxes on consumption. In populous cities it may be enough the subject of conjecture to occasion the oppression of individuals, without much aggregate benefit to the State; but beyond these circles it must in a great measure escape the eye and the hand of the tax-gatherer. As the necessities of the State, nevertheless, must be satisfied in some mode, the defect of other resources must throw the principal weight of the public burdens on the possessors of land. And as, on the other hand, the wants of the government can never obtain an adequate supply, unless all the sources of revenue are open to its demands, the finances of the community, under such embarrassments, cannot be put into a situation consistent with its respectability or its security. Thus we shall not even have the consolations of a full treasury, to atone for the oppression of that valuable class of citizens who are employed in the cultivation of the soil. But public and private distress will keep pace with each other in gloomy concert, and unite in deploring the infatuation of those counsels which led to disunion.

## UNION WITH A VIEW TO ECONOMY.

As connected with the subject of revenue, we may with propriety consider that of economy. The money saved from one object, may be usefully applied to another; and there will be so much the less to be drawn from the pockets of the people. If the States be united under one government, there will be but one national civil list to support; if they are divided into several confederacies, there will be as many different national civil lists to be provided for; and each of them, as to the principal departments, co-extensive with that which would be necessary for a government of the whole. The entire separation of the States into thirteen unconnected sovereignties, is a project too extravagant, and too replete with danger, to have many advocates. The ideas of men who speculate upon the dismemberment of the empire, seem generally turned toward three confederacies; one consisting of the four Northern, another of the four Middle, and a third of the five Southern States. There is little probability that there would be a great number. According to this distribution, each confederacy would comprise an extent of territory larger than that of the Kingdom of Great Britain. No well-informed man will suppose that the affairs of such a confederacy can be properly regulated by a government less comprehensive in its organs or institutions, than that which has been proposed by the convention. When the dimensions of a State attain to a certain magnitude, it requires the same energy of government, and the same forms of administration, which are requisite in one of much greater extent. This idea admits not of precise demonstration, because there is no rule by which we can measure the momentum of civil power, necessary to the govern-

ment of any given number of individuals; but when we consider that the Island of Britain, nearly commensurate with each of the supposed confederacies, contains about eight millions of people, and when we reflect upon the degree of authority required to direct the passions of so large a society to the public good, we shall see no reason to doubt, that the like portion of power would be sufficient to perform the same task in a society far more numerous. Civil power, properly organized and exerted, is capable of diffusing its force to a very great extent; and can in a manner reproduce itself in every part of a great empire, by a judicious arrangement of subordinate institutions.

The supposition that each confederacy into which the States would be likely to be divided, would require a government not less comprehensive than the one proposed, will be strengthened by another conjecture, more probable than that which presents us with three confederacies, as the alternative to a general union. If we attend carefully to geographical and commercial considerations, in conjunction with the habits and prejudices of the different States, we shall be led to conclude, that in case of disunion, they will most naturally league themselves under two governments. The four Eastern States, from all the causes that form the links of national sympathy and connection, may with certainty be expected to unite. New York, situated as she is, would never be unwise enough to oppose a feeble and unsupported flank to the weight of that confederacy. There are obvious reasons, that would facilitate her accession to it. New Jersey is too small a State to think of being a frontier, in opposition to this still more powerful combination; nor do there



appear to be any obstacles to her admission into it. Even Pennsylvania would have strong inducements to join the northern league. An active foreign commerce, on the basis of her own navigation, is her true policy, and coincides with the opinions and dispositions of her citizens. The more Southern States, from various circumstances, may not think themselves much interested in the encouragement of navigation. They may prefer a system which would give unlimited scope to all nations, to be the carriers, as well as the purchasers of their commodities. Pennsylvania may not choose to confound her interests in a connection so adverse to her policy. As she must, at all events, be a frontier, she may deem it most consistent with her safety, to have her exposed side turned toward the weaker power of the southern, rather than toward the stronger power of the northern confederacy. This would give her the fairest chance to avoid being the *Flanders* of America. Whatever may be the determination of Pennsylvania, if the Northern Confederacy includes New Jersey, there is no likelihood of more than one confederacy to the south of that State.

Nothing can be more evident than that the thirteen States will be able to support a national government, better than one-half, or one-third, or any number less than the whole. This reflection must have great weight in obviating that objection to the proposed plan, which is founded on the principle of expense; an objection, however, which, when we come to take a nearer view of it, will appear in every light to stand on mistaken ground.

If, in addition to the consideration of a plurality of civil lists, we take into view the number of persons who must necessarily be employed to guard the inland communication, between the different confederacies, against an illicit trade, and who in time will infallibly spring up out of the necessities of revenue; and if we also take into view the military establishments, which it has been shown, would unavoidably result from the jealousies and conflicts of the several nations, into which the States would be divided, we shall clearly discover that a separation would be not less injurious to the economy, than to the tranquillity, commerce, revenue, and liberty of every part.



## GEORGE WASHINGTON.

**T**HERE is no name in the annals of history that is dearer to the American people than that of George Washington, the Commander-in-Chief of the Colonial forces during the long struggle for independence, and the first President of the new nation.

He was born on the bank of the Potomac, in Westmoreland county, Virginia, February 22, 1732. Soon after his birth, the family removed to Stafford county, where the youthful years of the coming hero were spent, and where he gathered what benefits could be reaped from the best of the poor schools of that region.

When eleven years of age he was left an orphan by the death of his father. Great as was this loss, the mother, to whose care he was left, was worthy of the charge, and trained her son for a life of virtue and nobility that has never been surpassed by man.

For a time he was sent to reside with his half-brother, Augustine, where he attended the school of a Mr. Williams, studying to prepare himself for the duties

of a common business life. When fourteen years of age, he was offered a position in the navy, but declined it on account of his mother's reluctance to part with him. He then continued in school until he was sixteen years old, devoting himself to the study of mathematics, particularly that of practical surveying.

Young Washington had become quite a favorite with William Fairfax, the brother and agent of Lord Thomas Fairfax, who had received large grants of land from the English King. This land was situated between the Potomac and Rappahannock Rivers. About the time that George left school, it became desirable to have an accurate survey of the western portion of this grant, lying in the mountainous district between the head waters of the rivers, and he was chosen to perform the important and dangerous work. His task was begun in March, 1748, and was completed in April of the same year, with such acceptance that, through the influence of his patron, he secured the appointment of public surveyor. His experience while surveying was of use to him in his im-

portant duties in after years. He gained extensive acquaintance with the country in which many of his earlier military movements were located; he also acquired a large fund of information with regard to the character of the Indians, their nature and customs in war, as well as in peace, and this knowledge he was able to turn to good account in his country's service. The frontier settlements were troubled with frequent marauding expeditions by the hostile natives, and every man capable of bearing arms was ready, armed and equipped, for any sudden call. Those not living on the immediate border were expected to be ready to go when necessary to repel any serious invasion.

Early in the French and Indian hostilities, Washington was put in command of a militia company, and soon after he was appointed an adjutant-general, to assist in properly organizing the Virginia militia. He was at this time but nineteen years of age, but was one of the most efficient and capable organizers in the colony, and rose rapidly in favor with the colonial authorities. The difficulties between the French and Indians and the English colonists continued to grow more threatening, the former encroaching on the privileges of the latter, until the Governor of Virginia deemed it best to send a special messenger to the commander of the French forces, who had his headquarters on the shores of Lake Erie.

George Washington was chosen for this hazardous duty. He at once made all necessary preparation, and set out on his journey of over four hundred miles through the mountain wilderness in November, 1753. The journey was one of peculiar danger and hardship, such as would try the powers of an older and more experienced man, but Washington executed the mission faithfully, and on the 15th of December he was ready to set out upon his return, reaching Williamsburg on the 16th of January, 1754, and delivered the reply of the French commander to Governor Dinwiddie. A force of three hundred men was raised to proceed to the head of the Ohio River, and occupy the fort in process of construction there, and render protection to the English traders and settlers in that region. The command of this expedition was offered to Washington, but he declined to accept, when he was appointed second in command to Colonel Fry, who was given the command. The chief labor and planning of the campaign devolved upon Washington, who subsequently became first in command, through the death of Colonel Fry. Though unsuccessful in the object of the expedition, it was a school of great importance to the young commander, and by the ability shown as a leader, he was rendered more popular with the frontier soldiers, and the confidence and esteem of those in authority was greatly increased. Soon after this expedition,

Washington resigned his commission, and returned to his home at Mount Vernon, where he remained but a short time, however, when his services were again demanded by his country. War between England and France was inevitable, and preparations were commenced in 1755 to make it as effective on the part of the colonies as possible. Three campaigns were planned for that year, the principal one being for the reduction of Fort Duquesne and the expulsion of the French from the disputed territory bordering on the Ohio River and Lake Erie. Washington was a member of the official staff of the unfortunate, though gallant, Braddock, who commanded the expedition, and when defeat and disaster overtook the devoted army, it was the heroic courage and coolness of the young Virginian that saved the remnant of it from entire destruction. He reached his home again on the 26th of July, 1755, and was soon after appointed to the chief command of the forces raised, or to be raised, for the defense of Virginia. This position he held for a number of years, and rendered valuable services in protecting the exposed settlements on the frontier from attack by the hostile Indians.

After the surrender of Fort Duquesne, he resigned his commission, and retired to his estate of Mount Vernon the latter part of 1758, and on the 6th of January following, he was married to Mrs. Martha Custis, with whom he enjoyed the pleasures of peaceful home life for

the greater part of the following fifteen years. During this period, however, he was a member of the Virginia House of Burgesses, and took a deep interest in all matters pertaining to the welfare and prosperity of his country. In the increasing and threatening complications between the Colonies and the Mother Country, he was as watchful of the interests and rights of the former, and as ready and determined in maintaining them, as he had formerly been on the field of carnage and death. He was among the foremost of those who were instrumental in calling the First Continental Congress, of which body he was a member, and an active participant in its deliberations. He knew that resistance to the schemes of England would doubtless lead to open war, but he had been too well schooled in resistance to wrongs and aggressions, to quietly submit to injustice and extortion, though the Mother Country herself was the offender. When the difficulties finally resulted in open war, Washington was still a member of the Colonial Congress, and was appointed chairman of all the committees on military affairs, a position which he was better qualified to fill than any other man in America; and when a commander was needed for the Colonial army, all eyes were instinctively turned to the same man. As soon as his name was proposed to Congress, he instantly sprang to his feet, and left the hall. When the ballot was taken there was no

opposition to him, every vote being cast in his favor.

He received his commission from Congress on the 20th of June, 1775, and at once set out to join the army before Boston. The burden laid upon his shoulders was greater than he knew, and the faithful and successful discharge of his duties led to results with which he would not have been satisfied at the start.

The new commander must have felt overwhelmed at the magnitude of the task before him. With a small, poorly-equipped, and poorly-organized army, he was to cope with the forces of the foremost military power of the world; yet his heart and courage failed not.

At the outbreak of the war he was opposed to the idea of separation; but less than a year's experience in the field taught him that a reconciliation with Great Britain was impossible, and that the only way to peace and safety lay in independence. From the time of appointment until independence and an assured peace were secured, he was incessantly and untiringly engaged at the head of the American army. First he directed, in person, the movements that forced the British to evacuate Boston, and afterward his headquarters were with the army in the Central Colonies, directing in the movements in the vicinity of New York and Philadelphia. At the same time he directed in the general campaign work in the most widely sep-

arated portions of the Colonies, and maintained an intimate correspondence with all parts of the army. During all the seven long years of that terrible struggle, Washington's love for his country, and his faith in her final success, never wavered. When the darkest hours closed in upon her, his sublime faith, patience, and courage shone like a beacon light amid the surrounding gloom.

On the 25th of December, 1783, the war being ended, Washington resigned his commission into the hands of Congress, and retired to his home on the Potomac, which he had not seen for over eight years. The next few years of his eventful life were devoted to the care of his own private affairs.

In 1787 he was a member of the Convention that met in Philadelphia to form a new and more efficient Constitution for the government of the nation; the articles of confederation having proved ineffectual. The convention met in May, and continued in session until September. Washington was chosen its presiding officer, and proved himself one worthy of the occasion. The new Constitution was adopted, and under it Washington was elected as the first President of the United States. On the expiration of his first term, he was re-elected, serving for eight years as the first Chief Magistrate of the young nation, whose independence his valor had helped to secure.

In 1798 war was threatened with France, and Washington was again

called to the command of the nation's forces. The danger passed, however, and the aged chief again returned to the comforts and quiet of his home beside the peacefully flowing Potomac. His days of care and danger, of toil and usefulness, were almost numbered. A slight exposure brought on an attack of sick-

ness, which resulted in his death, on the 14th of December, 1799.

The news of his death caused deep mourning throughout the entire country, and expressions of sorrow were sent from many hearts in Europe, for one who had been a benefactor of humanity had passed away.



# FAREWELL ADDRESS.

*Delivered in 1797.*

## *Friends and Fellow-Citizens:*

The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time having actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom the choice is to be made.

I beg you, at the same time, to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country, and that in withdrawing the tender of service, which silence, in my situation, might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of and continuance hitherto in the office to which your suffrages have twice

called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety, and am persuaded, whatever partiality may be retained for my services, that, in the present circumstances of our country, you will not disapprove of my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In discharge of this trust, I will only

say that I have, with good intentions, contributed toward the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious, in the outset, of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself, and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgement of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead; amidst appearances sometimes dubious; vicissitudes of fortune often discouraging; in situations in which not unfrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing wishes that Heaven may continue to you the

choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution, which is the work of your hands, may be sacredly maintained; that its administration, in every department, may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete, by so careful a preservation and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of our hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government, which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes, and from different quarters, much pains will be taken, many artifices employed, to weaken in

your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment, that you should properly estimate the immense value of your national Union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and to speak of it as a palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens, by birth or choice, of a common country, that country has a right to concentrate your affections. The name of AMERICAN, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess are the work of joint councils and joint efforts—of common dangers, sufferings, and success.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *North*, in an unrestrained intercourse with the *South*, protected by the equal laws of a

common government, finds, in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The *South*, in the same intercourse, benefiting by the same agency of the *North*, sees its agriculture grow, and its commerce expand. Turning partly into its own channels the seamen of the *North*, it finds its particular navigation invigorated—and, while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *East*, in like intercourse with the *West*, already finding in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *West* derives from the *East* supplies requisite to its growth and comfort—and, what is perhaps of still greater consequence, it must, of necessity, owe the secure enjoyment of indispensable outlets for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the *West* can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find, in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries, not tied together by the same government, which



their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments, which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your Union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue of the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties, by geographical discriminations—*Northern* and *Southern*; *Atlantic* and *Western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party, to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart-burnings which spring

from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our Western country have lately had a useful lesson on this head. They have seen, in the negotiation by the executive, and in the unanimous ratification by the Senate of the treaty with Spain, and in the universal satisfaction of that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government, and in the Atlantic States, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything that they could desire, in respect to our foreign relations, toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the Union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren, and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict between the parts, can be an adequate substitute; they must inevitably experience the infractions and interruptions which alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government better calculated than your former for an intimate Union, and for the efficacious management of your common concern. This government, the offspring of your own choice, uninfluenced and unawed; adopted upon full investigation and mature deliberation; completely free in its principles; in the distribution of its powers, uniting security and energy, and containing within itself provision for its own amendment, has a just claim to your confidence and your

support, respect for its authority, compliance with its laws, acquiescence in its measures and duties enjoined by the fundamental maxims of true liberty. The basis of our political system is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government, pre-supposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation, the will of party, often a small, but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction rather than the organ of consistent and wholesome plans, digested by common counsels, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterward the very engines which have lifted them to unjust dominion.

Toward the preservation of your government, and the permanency of your present happy state, it is requisite not only that you steadily discountenance irregular opposition to its acknowledged

authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect in the forms of the constitution alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitutions of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember, especially, that from the efficient management of your common interests, in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty, is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the State, with particular reference to the founding of them upon geographical discriminations. Let me now take a more comprehensive view, and warn you, in the most solemn manner, against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissension, which, in different ages and countries, has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of the public liberty.

Without looking forward to an extremity of this kind (which, nevertheless, ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves, always, to distract the public councils, and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foment occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself, through the channels of party passion. Thus, the policy and will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This, within certain limits, is probably true; and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of popular character, in governments purely elective, it is a spirit not to be encouraged. From the natural tendency, it is certain there will always be enough of that spirit for every salutary purpose; and there being constant danger of excess, the effort ought

to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking, in a free country, should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres; avoiding, in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks, in the exercise of political power, by dividing and distributing into different depositories, and constituting each the guardian of the public weal against invasions of the other, has been evinced by experiments, ancient and modern; some of them in our country, and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be, in any particular, wrong, let it be corrected by an amendment in the way in which the constitution designates. But let there be no change by usurpation; for, though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance, in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human

happiness,—these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connection with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it, is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burdens which we ourselves ought to bear. The execution of these maxims belongs

to your representatives; but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind that, toward the payment of debts, there must be revenue; that, to have revenue, there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment, inseparable from the selection of the proper objects (which is always a choice of difficulties), ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations; cultivate peace and harmony with all; religion and morality enjoin this conduct; and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but that, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! it is rendered impossible by its vices!

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations, and passionate attachment for others, should be excluded; and that, in the place of them, just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred, or an habitual fondness, is, in some degree, a slave. It is a slave to its animosity or to its affection, either of

which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence, frequent collisions, obstinate, even-tempered, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times it makes the animosity of the nation subservient to the projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes, perhaps, the liberty of nations, has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and the wars of the latter, without adequate inducements or justification. It leads, also, to concessions to the favorite nation of privileges denied to others, which are apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill-will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupt, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country without odium, sometimes, even, with popularity; gilding with the appearance of a virtuous sense of obligation to a commendable deference for public opinion, or a laudable zeal for public good, the base, unworthy, or foolish com-

pliances of ambition, corruption, or infatuation.

As avenues to foreign influence, in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the art of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak, toward a great and powerful nation, dooms the former to be the satellite of the latter. Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens), the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation, and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which, to us, have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making requisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors nor preferences; consulting the natural course of things; diffusing and diversifying by gentle means the stream of commerce, but forcing nothing; establishing, with powers so disposed,

in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and natural opinion will permit, but temporary, and liable to be, from time to time, abandoned or varied, as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay, with a portion of its independence, for whatever it may accept under that character; that, by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old, affectionate friend, I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit; to warn against the mischiefs of foreign intrigue; to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you, and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in

Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aids of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct, will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain

time to our country, to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength and constancy which is necessary to give it, humanly speaking, the command of its own fortune.

Though in reviewing the incidents of my administration I am unconscious of intentional error; I am, nevertheless, too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this, as in other things, and actuated by that fervent love toward it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate, with pleasing expectation, that retreat, in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow-citizens, the benign influence of good laws, under a free government; the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.









THOMAS JEFFERSON

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## THOMAS JEFFERSON.

**T**HOMAS JEFFERSON, the third President of the United States, was born in Albemarle county, Virginia, April 2, 1743.

He was given every educational advantage that the colony could afford, and graduated from William and Mary's College in 1762. He distinguished himself as a methodical and thorough student, and an ardent lover of knowledge. He spent five years in the study of law, preparatory to entering upon its practice, and was admitted to the bar in 1767. From the first he was successful. The first year he was employed on sixty cases, and the fourth, the number had increased to four hundred and thirty. He made a thorough study of old English and common law, digging away the rubbish, and striving to find and grasp the true principle. He early decided for himself that slavery was not right in itself, nor was it right for the colonies to foster and extend it.

In 1768 Mr. Jefferson was elected a member of the Virginia House of Burgesses, and by continued re-elections filled the office until the Revolution. He

took a prominent part in the events that prepared the colony for entering upon open war with England, and familiarized the people with the idea of their independence.

In 1773 he was appointed by the House of Burgesses, a member of the "Committee of correspondence and inquiry, for the dissemination of intelligence between the colonies." He was also a member of the Colonial Congress, and took his seat in that body a few days after Colonel Washington had been chosen commander-in-chief of the American forces. He was one of the committee for drafting the Declaration of Independence, and to him was allotted the task of drawing up that important paper, which was submitted to the full committee and, by it, to Congress. After the adoption of the Declaration, he resigned his seat in Congress, that he might return to Virginia and take his place in the Legislature, and assist in remodeling the laws of that commonwealth for the new order of affairs. Many changes which he desired, and had set his heart upon, could

not be secured. Though he failed to secure the abolition of slavery, he succeeded in having a bill passed prohibiting all future importation of slaves.

In 1779 he succeeded Patrick Henry as governor of Virginia, which office he held for two years, declining a re-election in 1781, believing that a military man should occupy the chief position when an armed enemy was ravaging the State. In 1784 he was commissioned as plenipotentiary, to assist Adams and Franklin in negotiating treaties of commerce with various foreign nations, and the following year he succeeded Franklin as Minister at the French Capital.

During his residence abroad he was diligent in labors for the benefit of his country. He sought to improve the architectural tastes of his countrymen, and to introduce new seeds and plants, and to improve the agricultural system of his people. While giving attention to these practical things, he did not neglect the scientific branches, but kept pace with advancing thought and knowledge in every department.

In 1789 he returned to America, and was Secretary of State in Washington's first Cabinet. While serving in this

capacity he was brought into intimate daily contact with Alexander Hamilton, who was at the head of the Treasury department. They were directly opposite in their views in many points, and particularly with regard to the nature and scope of the Federal Constitution and Union. Jefferson became the head of the anti-Federal party, which soon became known as the Republican, and of which the present Democratic party is the lineal descendant and successor.

In 1793 he resigned his position, and retired to his estate of Monticello, where he remained, attending to his private affairs until 1796, when he was chosen Vice-President. In this position he served during the administration of John Adams, whom he succeeded to the presidency in 1801. After an eventful administration of eight years, he retired to private life in 1809. He devoted his remaining years to the improvement of his estate, and the advancement of the educational interests of his State. It was principally through his labors and influence that the University of Virginia was established.

Just fifty years after the Declaration of Independence, Mr. Jefferson breathed his last, July 4, 1826.



## INAUGURAL ADDRESS.

*Delivered in 1801.*

FRIENDS AND FELLOW CITIZENS: Called upon to undertake the duties of the first executive office of our country, I avail myself of the presence of that portion of my fellow-citizens which is here assembled, to express my grateful thanks for the favor with which they have been pleased to look toward me, to declare a sincere consciousness that the task is above my talents, and that I approach it with those anxious and awful presentiments, which the greatness of the charge, and the weakness of my powers, so justly inspire. A rising nation, spread over a wide and fruitful land, traversing all the seas with the rich productions of their industry, engaged in commerce with nations who feel power and forget right, advancing rapidly to destinies beyond the reach of mortal eye; when I contemplate these transcendent objects and see the honor, the happiness, and the hopes of this beloved country committed to the issue and the auspices of this day, I shrink from the contemplation, and humble myself before the magnitude of the undertaking. Utterly, indeed, should I despair, did not the presence of many whom I here see remind me that, in the other high authorities provided by our Constitution, I shall find resources of wisdom, of virtue, and of zeal, on which to rely under all difficulties. To you then, gentlemen, who are charged with the sovereign functions of legislation, and to those associated with you, I look with encouragement for that guidance and support which may enable us to steer with safety the vessel in which we are all embarked, amid the conflicting elements of a troubled world.

During the contest of opinion through which we have passed, the animation of discussion and

of exertions has sometimes worn an aspect which might impose on strangers unused to think freely, and to speak and to write what they think; but this being now decided by the voice of the nation, announced according to the rules of the Constitution, all will of course arrange themselves under the will of the law, and unite in common efforts for the common good. All, too, will bear in mind this sacred principle, that, though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable; that the minority possess their equal rights, which equal law must protect, and to violate would be oppression. Let us then, fellow-citizens, unite with one heart and one mind, let us restore to social intercourse that harmony and affection, without which liberty, and even life itself, are but dreary things. And let us reflect, that, having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained little, if we countenance a political intolerance as despotic, as wicked, and capable of as bitter and bloody persecutions. During the throes and convulsions of the ancient world, during the agonizing spasms of infuriated man, seeking through blood and slaughter his long-lost liberty, it was not wonderful that the agitation of the billows should reach even this distant and peaceful shore; that this should be more felt and feared by some, and less by others; that this should divide opinions as to measures of safety; but every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. We are all Republicans; we are all Federalists. If there be any among us

who would wish to dissolve this Union, or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated, where reason is left free to combat it. I know indeed, that some honest men fear that a republican government cannot be strong; that this government is not strong enough. But would the honest patriot, in the full tide of successful experiment, abandon a government which has so far kept us free and firm, on the theoretic and visionary fear that this government, the world's best hope, may, by possibility, want energy to preserve itself? I trust not. I believe this, on the contrary, the strongest government on earth. I believe it the only one where every man, at the call of the laws, would fly to the standard of the law, and would meet invasions of the public order as his own personal concern. Sometimes it is said that man cannot be trusted with the government of himself. Can he then be trusted with the government of others; or have we found angels in the forms of kings to govern him? Let history answer this question.

Let us then, with courage and confidence, pursue our own federal and republican principles, our attachment to our Union and representative government. Kindly separated by nature and a wide ocean from the exterminating havoc of one-quarter of the globe; too high-minded to endure the degradations of the others; possessing a chosen country, with room enough for our descendants to the thousandth and thousandth generation; entertaining a due sense of our equal right to the use of our own faculties, to the acquisitions of our industry, to honor and confidence from our fellow-citizens, resulting not from birth, but from our actions and their sense of them; enlightened by a benign religion, professed, indeed, and practised in various forms, yet all of them including honesty, truth, temperance, gratitude, and the love of man, acknowledging and adoring an overruling Providence, which, by all its dispen-

sations, proves that it delights in the happiness of man here; and his greater happiness hereafter; with all these blessings, what more is necessary to make us a happy and prosperous people? Still one thing more, fellow-citizens—a wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities.

About to enter, fellow-citizens, on the exercise of duties which comprehend everything dear and valuable to you, it is proper that you should understand what I deem the essential principles of our government, and consequently those which ought to shape its administration. I will compress them within the narrowest compass they will bear, stating the general principles, but not all its limitations. Equal and exact justice to all men, of whatever State or persuasion, religious or political; peace, commerce, and honest friendship with all nations, entangling alliances with none; the support of the State governments in all their rights, as the most competent administrations for our domestic concerns, and the surest bulwarks against anti-Republican tendencies; the preservation of the general government in its whole constitutional vigor, as the sheet anchor of our peace at home and safety abroad; a jealous care of the right of election by the people; a mild and safe corrective of abuses, which are lopped by the sword of revolution, where peaceable remedies are unprovided; absolute acquiescence in the decisions of the majority, the vital principle of republics, from which is no appeal but to force, the vital principle and immediate parent of despotism; a well-disciplined militia, our best reliance in peace, and for the first moments of war, till regulars may relieve them; the supremacy of the civil over the military

authority; economy in the public expense, that labor may be lightly burdened; the honest payment of our debts, and sacred preservation of the public faith; encouragement of agriculture, and of commerce as its handmaid; the diffusion of information, and arraignment of all abuses at the bar of public reason; freedom of religion; freedom of the press; and freedom of person, under the protection of the habeas corpus; and trial by juries, impartially selected. These principles form the bright constellation which has gone before us, and guided our steps through an age of revolution and reformation. The wisdom of our sages and blood of our heroes have been devoted to their attainment; they should be the creed of our political faith; the text of civil instruction; the touchstone by which to try the services of those we trust; and should we wander from them, in moments of error or alarm, let us hasten to retrace our steps, and to regain the road which alone leads to peace, liberty, and safety.

I repair, then, fellow-citizens, to the post you have assigned me. With experience enough in subordinate offices to have seen the difficulties of this, the greatest of all, I have learned to expect that it will rarely fall to the lot of imperfect man to retire from this station with the reputation and the favor which bring him into it. Without pretensions to that high confidence you

reposed in our first and great revolutionary character, whose pre-eminent services had entitled him to the first place in his country's love, and destined for him the fairest page in the volume of faithful history, I ask so much confidence only as may give firmness and effect to the legal administration of your affairs. I shall often go wrong through defect of judgment. When right, I shall often be thought wrong by those whose positions will not command a view of the whole ground. I ask your indulgence for my own errors, which will never be intentional; and your support against the errors of others, who may condemn what they would not, if seen in all its parts. The approbation implied by your suffrage is a consolation to me for the past; and my future solicitude will be to retain the good opinion of those who have bestowed it in advance, to conciliate that of others by doing them all the good in my power, and to be instrumental in the happiness and freedom of all.

Relying, then, on the patronage of your good will, I advance with obedience to the work, ready to retire from it whenever you become sensible how much better choices it is in your power to make. And may that infinite Power, which rules the destinies of the universe, lead our councils to what is best, and give them a favorable issue for your peace and prosperity.



## THOMAS H. BENTON.

**T**HOMAS H. BENTON was born in North Carolina, near Hillsborough, March 14, 1782. Early in life he removed to Tennessee, and having passed the necessary preparatory studies, was admitted to the bar, and began the practice of law at Nashville, when about twenty-eight years of age. He was a warm personal friend and admirer of General Jackson. It was largely through the labors of Mr. Benton and other friends, that Jackson was appointed general, and obtained command in the Southwest. Mr. Benton served as colonel in the war of 1812, having recruited the regiment he commanded from the hardy frontiersmen of Tennessee. In 1815 he removed to St. Louis, Missouri, and five years later was elected to the United States Senate. In this office he continued for thirty years, closing his long senatorial career in 1850. It would be difficult to adequately indicate the important work performed by him during this long period, in a paper as brief as this must necessarily be. His influence was felt in the deliberations of the Senate, and in the affairs of his own State, where he was for many

years one of the most prominent men.

When his old friend Jackson was an aspirant for the presidency, Mr. Benton was one of his staunchest advocates, and during the eight years that he occupied the executive chair, he had no abler defender or supporter on the floor of the Senate than Mr. Benton.

He united heartily with the President in the fight waged against the United States Bank; opposed the tariff measures advocated by Webster, Clay, and others; opposed the distribution of the net proceeds of the sale of public lands among the States, and the nullification schemes of the ultra States Rights members from the South.

In 1852 he was elected a member of the House of Representatives, and in the contest over the repeal of the Missouri Compromise, strongly opposed that measure. He antagonized the ultra States Rights faction of his party in Missouri, and was defeated by them, when a candidate for Governor of the State, in 1856. He supported Buchanan for the presidency the same year, in opposition to his son-in-law, John C. Fremont. He died in Washington, April 10, 1858.



THOMAS H BENTON.





## ELECTION OF PRESIDENT AND VICE-PRESIDENT.

*Mr. Benton's Speech, delivered in the United States Senate in 1824.*

MR. PRESIDENT :—The evil of a want of uniformity, in the choice of Presidential electors, is not limited to its disfiguring effect upon the face of our government, but goes to endanger the rights of the people, by permitting sudden alterations on the eve of an election, and to annihilate the rights of the small States, by enabling the large ones to combine and to throw all their votes into the scale of a particular candidate. These obvious evils make it certain that *any uniform rule* would be preferable to the present state of things. But, in fixing on one, it is the duty of Statesmen to select that which is calculated to give to every portion of the Union its due share in the choice of a chief magistrate, and to every individual citizen a fair opportunity of voting according to his will. This would be effected by adopting the *District System*. It would divide every State into districts equal to the whole number of votes to be given, and the people of each district would be governed by its own majority, and not by a majority existing in some remote part of the State. This would be agreeable to the *rights* of individuals : for, in entering into society, and submitting to be bound by the decision of the majority, each individual retained the right of voting for himself wherever it was practicable, and of being governed by a majority of the vicinage, and not by majorities brought from remote sections to overwhelm him with their accumulated numbers. It would be agreeable to the *interests* of all parts of the States ; for each State may have different interests in different parts ; one part may be agricultural, another manufacturing, another commercial ; and it would be unjust that the strongest should

govern, or that two should combine and sacrifice the third. The district system would be agreeable to the *intention* of our present Constitution, which, in giving to each elector a separate vote, instead of giving to each State a consolidated vote, composed of all its electoral suffrages, clearly intended that each mass of persons entitled to one elector should have the right of giving one vote, according to their own sense of their own interest.

The general Ticket System, now existing in ten States, was the offspring of policy, and not of any disposition to give fair play to the will of the people. It was adopted by the leading men or those States, to enable them to consolidate the vote of the State. It would be easy to prove this by referring to facts of historical notoriety. It contributes to give power and consequence to the leaders who manage the elections, but it is a departure from the intention of the Constitution ; violates the rights of the minorities, and is attended with many other evils.

The intention of the Constitution is violated, because it was the intention of that instrument to give to each mass of persons, entitled to one elector, the power of giving an electoral vote to any candidate they preferred. The rights of minorities are violated, because a majority of *one* will carry the vote of the whole State. The principle is the same, whether the elector is chosen by general ticket, or by Legislative ballot ; a majority of *one*, in either case, carries the vote of the whole State. In New York, thirty-six electors are chosen ; nineteen is a majority, and the candidate receiving this majority is fairly entitled to receive nineteen

votes; but he counts in reality thirty-six; because the minority of seventeen are added to the majority. These seventeen votes belong to seventeen masses of people, of 40,000 souls each, in all 680,000 people, whose votes are seized upon, taken away, and presented to whom the majority pleases. Extend the calculation to the seventeen States now choosing electors by general ticket or Legislative ballot, and it will show that three millions of souls, a population equal to that which carried us through the Revolution, may have their votes taken from them in the same way. To *lose* their votes is the fate of all minorities, and it is theirs only to submit; but this is not a case of votes *lost*, but of votes *taken away*, added to those of the majority, and given to a person to whom the minority was opposed.

This objection (to the direct vote of the people) had a weight in the year 1787, to which it is not entitled in the year 1824. Our Government was then young, schools and colleges were scarce, political science was then confined to few, and the means of diffusing intelligence were both inadequate and uncertain. The experiment of a popular Government was just beginning; the people had been just released from subjection to an hereditary king, and were not yet practiced in the art of choosing a temporary chief for themselves. But thirty-six years have reversed this picture; thirty-six years, which have produced so many wonderful changes in America, have accomplished the work of many centuries upon the intelligence of its inhabitants. Within that period, schools, colleges, and universities have multiplied to an amazing extent. The means of diffusing intelligence have been wonderfully augmented by the establishment of six hundred newspapers and upward of five thousand post-offices. The whole course of an American's life, civil, social, and religious, has become one continued scene of intellectual and of moral improvement. Once in every week, more than

eleven thousand men, eminent for learning and for piety, perform the double duty of amending the hearts and enlightening the understandings of more than eleven thousand congregations of people. Under the benign influence of a free Government, both our public institutions and private pursuits, our juries, elections, courts of justice, the liberal professions, and the mechanical arts, have each become a school of political science and of mental improvement. The Federal Legislature, in the annual message of the President, in reports of heads of departments and committees of Congress, and speeches of members, pours forth a flood of intelligence which carries its waves to the remotest confines of the Republic. In the different States, twenty-four State executives and State Legislatures are annually repeating the same process within a more limited sphere. The habit of universal traveling, and the practice of universal interchange of thought, are continually circulating the intelligence of the country, and augmenting its mass. The face of our country itself, its vast extent, its grand and varied features, contribute to expand the human intellect, and magnify its power. Less than half a century of the enjoyment of liberty has given practical evidence of the great moral truth that, under a free government, the power of the intellect is the only power which rules the affairs of men; and virtue and intelligence the only durable passports to honor and preferment. The conviction of this great truth has created an universal taste for learning and for reading, and has convinced every parent that the endowments of the mind, and the virtues of the heart, are the only imperishable, the only inestimable riches which he can leave to his posterity.

This objection (the danger of tumults and violence at the elections) is taken from the history of the ancient republics, and the tumultuary elections of Rome and Greece. But the justness of the example is denied. There is nothing in the laws of physiology which admits a parallel

between the sanguinary Roman, the volatile Greek, and the phlegmatic American. There is nothing in the state of the respective countries, or in the manner of voting, which makes one an example for the other. The Romans voted in a mass, at a single voting place, even when the qualified voters amounted to millions of persons.

They came to the polls armed, and divided into classes, and voted, not by heads, but by centuries.

In the Grecian republics all the voters were brought together in a great city, and decided the contest in one great struggle.

In such assemblages, both the inducement to violence and the means of committing it, were prepared by the government itself. In the United States all this is different. The voters are assembled in small bodies, at innumerable voting places, distributed over a vast extent of country. They come to the polls without arms, without odious instructions, without any temptation to violence, and with every inducement to harmony.

If heated during the day of election, they cool off upon returning to their homes and resuming their ordinary occupations.

But let us admit the truth of the objection. Let us admit that the American people would be as tumultuary at this Presidential election as were the citizens of the ancient republics at the election of their chief magistrates. What then? Are we thence to infer the inferiority of the officers thus elected, and the consequent degradation of the countries over which they presided? I answer, no. So far from it, that I assert the superiority of these officers over all others ever obtained for the same countries, either by hereditary succession or the most select mode of election. I affirm those periods of history to be the most glorious in arms, the most renowned in arts, the most celebrated in letters, the most useful in practice, and the most happy in the condition of the people, in which

the whole body of the citizens voted direct for the chief officer of their country. Take the history of that commonwealth, which yet shines as the leading star in the firmament of nations. Of the twenty-five centuries that the Roman State has existed, to what period do we look for the generals and statesmen, the poets and orators, the philosophers and historians, the sculptors, painters and architects, whose immortal works have fixed upon their country the admiring eyes of all succeeding ages? Is it to the reign of the seven first kings?—to the reigns of the emperors, proclaimed by the prætorian bands?—to the reigns of the Sovereign Pontiffs, chosen by a select body of electors in a conclave of most holy cardinals? No!—We look to none of these, but to that short interval of four centuries and a half which lies between the expulsion of the Tarquins, and the re-establishment of monarchy in the person of Octavius Cæsar. It is to this short period, during which the consuls, tribunes, and prætors were annually elected by a direct vote of the people, to which we look ourselves, and to which we direct the infant minds of our children for all the works and monuments of Roman greatness; for roads, bridges, and aqueducts, constructed; for victories gained, nations vanquished, commerce extended, treasure imported, libraries founded, learning encouraged, the arts flourishing, the city embellished, and the kings of the earth humbly suing to be admitted into the friendship and taken under the protection of the Roman people. It was of this magnificent period that Cicero spoke, when he proclaimed the people of Rome to be the masters of kings, and the conquerors and commanders of all the nations of the earth. And, what is wonderful, during this whole period, in a succession of four hundred and fifty annual elections, the people never once prepared a citizen to the consulship who did not carry the prosperity and glory of the Republic to a point beyond that at which he had found it.

It is the same with the Grecian Republics. Thirty centuries have elapsed since they were founded; yet it is to an ephemeral period of one hundred and fifty years only, the period of popular elections which intervened between the dispersing of a cloud of petty tyrants, and the coming of a great one in the person of Philip, King of Macedon, that we are to look for that galaxy of names which shed so much luster upon their country, and in which we are to find the first cause of that intense sympathy which now burns in our bosoms at the name of Greece.

These short and brilliant periods exhibit the great triumph of popular elections; often tumultuary, often stained with blood, but always ending gloriously for the country.

Then the right of suffrage was enjoyed; the sovereignty of the people was no fiction. Then a sublime spectacle was seen, when the Roman citizen advanced to the polls and proclaimed: "*I vote for Cato to be Consul;*" the Athenian, "*I vote for Aristides to be Archon;*" the Hebran, "*I vote for Pelopidas to be Bæotrach;*" the Lacedemonian, "*I vote for Leonidas to be first of the Ephori;*" and why not an American citizen the same? Why may he not go up to the polls and proclaim, "*I vote for Thomas Jefferson to be President of the United States?*" Why is he compelled to put his vote in the hands of another, and to incur all the hazards of an irresponsible agency, when he himself could immediately give his own vote for his own chosen candidate, without the slightest assistance from agents or managers?

But I have other objections to these intermediate electors. They are the peculiar and favorite institutions of aristocratic republics and elective monarchies. I refer the Senate to the late republics of Venice and Genoa; of France, and her litter; to the Kingdom of Poland; the Empire of Germany, and the Pontificate of Rome. On the contrary, a direct vote by the people is the peculiar and favorite institution of

democratic republics; as we have just seen in the governments of Rome, Athens, Thebes, and Sparta; to which may be added the principal cities of the Amphyctionic and Achaian leagues, and the renowned republic of Carthage when the rival of Rome.

I have now answered the objections which were brought forward in the year 1778. I ask for no judgment upon their validity of that day, but I affirm them to be without force or reason in the year 1824.

TIME and EXPERIENCE have so decided. Yes, *time* and *experience*, the only infallible tests of good or bad institutions, have now shown that the continuance of the electoral system will be both useless and dangerous to the liberties of the people, and that the only effectual mode of preserving our government from the corruptions which have undermined the liberties of so many nations, is to confide the election of our chief magistrate to those who are farthest removed from the influence of his patronage; that is to say, to the whole body of American citizens.

The electors are not independent; they have no superior intelligence; they are not left to their own judgment in the choice of a President; they are not above the control of the people; on the contrary, every elector is pledged, before he is chosen, to give his vote according to the will of those who choose him.

He is nothing but an agent, tied down to the execution of a precise trust. Every reason which induced the convention to institute electors has failed. They are no longer of any use, and may be dangerous to the liberties of the people. They are not useful, because they have no power over their own vote, and because the people can vote for a President as easily as they can vote for an elector. They are dangerous to the liberties of the people, because, in the *first* place, they introduce extraneous considerations into the election of President; and, in the *second* place, they may sell the vote which is intrusted

to their keeping. They introduce extraneous considerations, by bringing their own character and their own exertions into the Presidential canvass. Every one sees this. Candidates for electors are now selected, not for the reasons mentioned in the *Federalist*, but for their devotion to a particular party, for their manners, and their talent at electioneering. The elector may betray the liberties of the people, by selling his vote. The operation is easy, because he votes by ballot; detection is impossible, because he does not sign his vote; the restraint is nothing but his own conscience, for there is no legal punishment for this breach of trust. If a swindler defrauds you out of a few dollars of property or money, he is whipped and pilloried, and rendered infamous in the eyes of the law; but if an elector should defraud 40,000 people of their vote, there is no remedy but to abuse him in newspapers, where the best men in the country may be abused, as Benedict Arnold or Judas Iscariot.

Every reason for instituting electors has failed, and every consideration of prudence requires them to be discontinued. They are nothing but agents, in a case which requires no agent; and no prudent man would, or ought, to employ an agent to take care of his money, his property, or his liberty, when he is equally capable to take care of them himself.

But, if the plan of the Constitution had not failed—if we were now deriving from electors

all the advantages expected from their institution—I, for one, would still be in favor of getting rid of them.

I should esteem the incorruptibility of the people, their disinterested desire to get the best man for President, to be more than a counterpoise to all the advantages which might be derived from the superior intelligence of a more enlightened, but smaller, and therefore, more corruptible body. I should be opposed to the intervention of electors, because the double process of electing a man to elect a man, would paralyze the spirit of the people, and destroy the life of the election itself. Doubtless this machinery was introduced into our Constitution for the purpose of softening the action of the democratic element; but it also softens the interest of the people in the result of the election itself. It places them at too great a distance from their first servant. It interposes a body of men between the people and the object of their choice, and gives a false direction to the gratitude of the President elected. He feels himself indebted to the electors who collected the votes of the people, and not to the people, who gave their votes to the electors.

It enables a few men to govern many, and, in time, it will transfer the whole power of the election into the hands of a few, leaving to the people the humble occupation of confirming what has been done by superior authority.



## ROBERT YOUNG HAYNE.

**N**EXT to that of John C. Calhoun, there is perhaps no name dearer to the people of South Carolina, than that of Robert Young Hayne. He was one of the earliest and boldest advocates of the political faith of which that State has been a tenacious adherent. Mr. Hayne was born November 10, 1791, in St. Paul's Parish, of the district of Colleton. He received a fine education, and studied law in the office of Langdon Cheves, in the city of Charleston, and was admitted to the bar in his twenty-first year. The second war with England breaking out that same year, 1812, he deserted his office, and served for a time in the army. In 1814 he was elected a member of the State Legislature, where he soon manifested his ability, and commanded the respect and confidence of his associates. In 1818, when only twenty-five years of age, he was elected Speaker of the House of which he was a member, and but a little later accepted the position of Attorney-General of the State. In 1823 he was chosen to represent his State in

the United States Senate, and continued in that position until 1832. During his senatorial career he proved himself a man of fine abilities and great resources. He was an active and determined opponent to all protective tariff legislation, maintaining, in an able speech, that it was unconstitutional, and at the same time promulgating the doctrine that a State has a right, under the Constitution, to declare null and void such enactments of Congress as it considers unconstitutional. This doctrine was enunciated and defended by him in his opposition to the tariff laws of 1824 and 1828, and paved the way for the memorable debate between himself and Daniel Webster, the opening speech of which is given in this volume. The legitimate fruit of this course was found a few years later, when South Carolina attempted the work of nullification. In 1832 he was a member of the convention which adopted the celebrated "Nullification Ordinance," and was chairman of the committee which drafted it, and no doubt he was its author. The same year he was



ROBERT YOUNG HAYNE.

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chosen governor of the State, thus accepting the trust of seeing to the enforcement of the ordinance. As governor he assumed a very defiant attitude toward the President and the National Government. The President's firmness and decisive action, and the compromise measure introduced by

Henry Clay, smoothed the matter over for the time being. Mr. Hayne, on leaving the gubernatorial chair, in 1834, was elected Mayor of the city of Charleston, and continued to take an active interest in the affairs of his State and the country at large, until his death, which occurred September 24, 1840.

### FOOT'S RESOLUTION.

*Delivered in the United States Senate, Jan. 26, 1830.*

MR. PRESIDENT: When I took occasion, two days ago, to throw out some ideas with respect to the policy of the government, in relation to the public lands, nothing certainly could have been further from my thoughts, than that I should have been compelled again to throw myself upon the indulgence of the Senate. Little did I expect to be called upon to meet such an argument as was yesterday urged by the gentleman from Massachusetts (Mr. Webster). Sir, I questioned no man's opinions; I impeached no man's motives; I charged no party, or State, or section of country, with hostility to any other, but ventured, as I thought, in a becoming spirit, to put forth my own sentiments in relation to a great national question of public policy. Such was my course. The gentleman from Missouri (Mr. Benton), it is true, had charged upon the Eastern States an early and continued hostility toward the West, and referred to a number of historical facts and documents in support of that charge. Now, sir, how have these different arguments been met? The honorable gentleman from Massachusetts, after deliberating a whole night upon his course, comes into this chamber to vindicate New England; and instead of making up his issue with the gentleman from Missouri, on the charges

which *he had preferred*, chooses to consider me as the author of those charges, and, losing sight entirely of that gentleman, selects me as his adversary, and pours out all the vials of his mighty wrath upon my devoted head. Nor is he willing to stop there. He goes on to assail the institutions and policy of the South, and calls in question the principles and conduct of the State which I have the honor to represent. When I find a gentleman of mature age and experience, of acknowledged talents and profound sagacity, pursuing a course like this, declining the contest offered from the West, and making war upon the unoffending South, I must believe, I am bound to believe, he has some object in view which he has not ventured to disclose. Mr. President, why is this? Has the gentleman discovered, in former controversies with the gentleman from Missouri, that he is overmatched by that Senator? And does he hope for an easy victory over a more feeble adversary? Has the gentleman's distempered fancy been disturbed by gloomy forebodings of "new alliances to be formed," at which he hinted? Has the ghost of the murdered COALITION come back, like the ghost of Banquo, to "sear the eyeballs of the gentleman," and will it not down at his bidding? Are dark visions of broken hopes, and honors lost

forever, still floating before his heated imagination? Sir, if it be his object to thrust me between the gentleman from Missouri and himself, in order to rescue the East from the contest it has provoked with the West, he shall not be gratified. Sir, I will not be dragged into the defence of my friend from Missouri. The South shall not be forced into a conflict not its own. The gentleman from Missouri is able to fight his own battles. The gallant West needs no aid from the South to repel any attack which may be made on them from any quarter. Let the gentleman from Massachusetts controvert the facts and arguments of the gentleman from Missouri, if he can—and if he win the victory, let him wear the honors; I shall not deprive him of his laurels.

The gentleman from Massachusetts, in reply to my remarks on the injurious operations of our land system on the prosperity of the West, pronounced an extravagant eulogium on the paternal care which the government had extended toward the West, to which he attributed all that was great and excellent in the present condition of the new States. The language of the gentleman on this topic fell upon my ears like the almost forgotten tones of the Tory leaders of the British Parliament, at the commencement of the American Revolution. They, too, discovered that the colonies had grown great under the fostering care of the mother country; and I must confess, while listening to the gentleman, I thought the appropriate reply to his argument was to be found in the remark of a celebrated orator, made on that occasion: "They have grown great in spite of your protection."

The gentleman, in commenting on the policy of the government in relation to the new States, has introduced to our notice a certain *Nathan Dane*, of Massachusetts, to whom he attributes the celebrated ordinance of '87, by which he tells us, "*Slavery* was forever excluded from the new States north of the Ohio." After eulogizing the wisdom of this provision in terms of

the most extravagant praise, he breaks forth in admiration of the greatness of Nathan Dane—and great indeed, he must be, if it be true, as stated by the Senator from Massachusetts, that "he was greater than Solon and Lycurgus, Minos, Numa Pompilius, and all the legislators and philosophers of the world," ancient and modern. Sir, to such high authority it is certainly my duty, in a becoming spirit of humility, to submit. And yet, the gentleman will pardon me when I say that it is a little unfortunate for the fame of this great legislator, that the gentleman from Missouri should have proved that he was not the author of the ordinance of '87, on which the Senator from Massachusetts has reared so glorious a monument to his name. Sir, I doubt not the Senator will feel some compassion for our ignorance, when I tell him, that so little are we acquainted with the modern great men of New England, that until he informed us yesterday that we possessed a Solon and a Lycurgus in the person of Nathan Dane, he was only known to the South as a member of a celebrated assembly, called and known by the name of the "Hartford Convention." In the proceedings of that assembly, which I hold in my hand (at p. 19), will be found, in a few lines, the history of Nathan Dane; and a little further on, there is conclusive evidence of that ardent devotion to the interest of the new States, which, it seems, has given him a just claim to the title of "Father of the West." By the second resolution of the "Hartford Convention," it is declared "that it is expedient to attempt to make provision for *restraining Congress in the exercise of an unlimited power to make new States*, and admitting them into the Union." So much for Nathan Dane, of Beverly, Massachusetts.

In commenting upon my views in relation to the public lands, the gentleman insists, that it being one of the conditions of the grants that these lands should be applied to "the common benefit of all the States, they must always

remain a *fund for revenue*;" and adds, "they must be *treated as so much treasure*." Sir, the gentleman could hardly find language strong enough to convey his disapprobation of the policy which I had ventured to recommend to the favorable consideration of the country. And what, sir, was that policy, and what is the difference between that gentleman and myself on that subject? I threw out the idea that the public lands ought not to be reserved forever, as "a great fund for revenue;" that they ought not to be "treated as a great treasure;" but that the course of our policy should rather be directed toward the creation of new States, and building up great and flourishing communities.

Now, sir, will it be believed, by those who now hear me,—and who listened to the gentleman's denunciation of my doctrines yesterday,—that a book then lay open before him—nay, that he held it in his hand, and read from it certain passages of his own speech, delivered to the House of Representatives in 1825, in which speech he himself contended for the very doctrine I had advocated, and almost in the same terms? Here is the speech of the Hon. Daniel Webster, contained in the first volume of Gales and Seaton's Register of Debates (p. 251), delivered in the House of Representatives on the 18th of January, 1825, in a debate on the *Cumberland road*—the very debate from which the Senator read yesterday. I shall read from the celebrated speech two passages, from which it will appear that both as to *the past* and the *future policy* of the government in relation to the public lands, the gentleman from Massachusetts maintained, in 1825, substantially the same opinions which I have advanced, but which he now so strongly reprobates. I said, sir, that the system of *credit sales* by which the West had been kept constantly in debt to the United States, and by which their wealth was drained off to be expended elsewhere, had operated injuriously on their prosperity. On

this point the gentleman from Massachusetts, in January, 1825, expressed himself thus: "There could be no doubt, if gentlemen looked at the money received into the Treasury from the sale of the public lands to the West, and then looked to the whole amount expended by the government (even including the whole amount of what was laid out for the army), the latter must be allowed to be very inconsiderable, and *there must be a constant drain of money from the West to pay for the public lands*." It might, indeed, be said that this was no more than the reflux of capital which had previously gone over the mountains. Be it so. Still, its practical effect was to produce inconvenience, *if not distress, by absorbing the money of the people*.

I contended that the public lands ought not to be treated merely as "a fund for revenue;" that they ought not to be hoarded "as a great treasure." On this point the Senator expressed himself thus: "Government, he believed, had received eighteen or twenty millions of dollars from the public lands, and it was with the greatest satisfaction he adverted to the change which had been introduced in the mode of paying for them; *yet he could never think the national domain was to be regarded as any great source of revenue*. The great object of the government, in respect of these lands, was not so much *the money derived from their sale*, as it was *the getting them settled*. What he meant to say was, *he did not think they ought to hug that domain AS A GREAT TREASURE, to enrich the Exchequer*."

Now, Mr. President, it will be seen that the very doctrines which the gentleman so indignantly abandons, were urged by him in 1825; and if I had actually borrowed my sentiments from those which he then avowed, I could not have followed more closely in his footsteps. Sir, it is only since the gentleman quoted this book, yesterday, that my attention has been turned to the sentiments he expressed in 1825; and if I had remembered them, I might possibly have been deterred from uttering senti-

ments here, which, it might well be supposed, I had borrowed from that gentleman.

In 1825 the gentleman told the world that the public lands "ought not to be treated as a treasure." He now tells us that "they must be treated as so much treasure." What the deliberate opinion of the gentleman on this subject may be, belongs not to me to determine; but I do not think he can, with the shadow of justice or propriety, impugn my sentiments, while his own recorded opinions are identical with my own. When the gentleman refers to the conditions of the grants under which the United States have acquired these lands, and insists that, as they are declared to be "for the common benefit of all the States," they can only be treated as so much treasure, I think he has applied a rule of construction too narrow for the case. If, in the deeds of cession, it has been declared that the grants were intended for "the common benefit of all the States," it is clear, from other provisions, that they were not intended merely as *so much property*; for it is expressly declared that the object of the grants is the erection of new States; and the United States, in accepting this trust, bind themselves to facilitate the foundation of these States, to be admitted into the Union with all the rights and privileges of the original States. This, sir, was the great end to which all parties looked, and it is by the fulfillment of this high trust that "the common benefit of all the States" is to be best promoted. Sir, let me tell the gentleman that in the part of the country in which I live, we do not measure political benefits by the *money standard*. We consider as more valuable than gold, liberty, principle, and justice. But, sir, if we are bound to act on the narrow principles contended for by the gentleman, I am wholly at a loss to conceive how he can reconcile his principles with his own practice. The lands are, it seems, to be treated "as so much treasure," and must be applied to the "common benefit of all the States." Now, if this be so,

whence does he derive the right to appropriate them for partial and local objects? How can the gentleman consent to vote away immense bodies of these lands for canals in Indiana and Illinois, to the Louisville and Portland Canal, to Kenyon College in Ohio, to Schools for the Deaf and Dumb, and other objects of a similar description? If grants of this character can fairly be considered as made "for the common benefit of all the States," it can only be because all the States are interested in the welfare of each—a principle which, carried to the full extent, destroys all distinction between local and national objects, and is certainly *broad enough* to embrace the principles for which I ventured to contend. Sir, the true difference between us I take to be this: The gentleman wishes to treat the public lands as a great treasure, just as so much money in the Treasury, to be applied to all objects, constitutional and unconstitutional, to which the public money is constantly applied. I consider it as a sacred trust which we ought to fulfill, on the principles for which I have contended.

The Senator from Massachusetts has thought proper to present, in strong contrast, the friendly feelings of the East toward the West, with sentiments of an opposite character displayed by the South in relation to appropriations for *internal improvements*. Now, sir, let it be recollected that the South have made no professions—I have certainly made none in their behalf—of regard for the West. It has been reserved for the gentleman from Massachusetts, while he vaunts over his own personal devotion to Western interests, to claim for the entire section of country to which he belongs an ardent friendship for the West, as manifested by their support of the system of internal improvement, while he casts in our teeth the reproach that the South have manifested hostility to Western interests, in opposing appropriations for such objects. That gentleman, at the same time, acknowledged that the South entertains

*constitutional scruples* on this subject. Are we then, sir, to understand that the gentleman considers it a just subject of reproach that we respect our oaths, by which we are bound "to preserve, protect, and defend the Constitution of the United States?" Would the gentleman have us manifest our love to the West by trampling under foot our constitutional scruples? Does he not perceive, if the South is to be *reproached* with unkindness to the West, in voting against appropriations which the gentleman admits they could not vote for without doing violence to their constitutional opinions, that he exposes himself to the question whether, if he was in our situation, he could vote for these appropriations, regardless of his scruples? No, sir, I will not do the gentleman so great injustice. He has fallen into this error from not having duly weighed the force and effect of the reproach which he was endeavoring to cast upon the South. In relation to the other point, the friendship manifested by New England toward the West, in their support of the system of internal improvement, the gentleman will pardon me for saying that I think he is equally unfortunate in having introduced that topic. As that gentleman has forced it upon us, however, I cannot suffer it to pass unnoticed. When the gentleman tells us that the appropriations for internal improvement in the West would, in almost every instance, have failed but for New England votes, he has forgotten to tell us the *when*, the *how*, and the *wherefore* this new-born zeal for the West sprung up in the bosom of New England. If we look back only a few years, we will find, in both Houses of Congress, a uniform and steady opposition on the part of the members from the Eastern States, generally, to all appropriations of this character. At the time I became a member of this House, and for some time afterward, a decided majority of the New England Senators were opposed to the very measures which the Senator from Massachusetts tells us

they now cordially support. Sir, the Journals are before me, and an examination of them will satisfy every gentleman of that fact.

It must be well known to every one whose experience dates back as far as 1825, that, up to a certain period, New England was generally opposed to appropriations for internal improvements in the West. The gentleman from Massachusetts may be himself an exception, but if he went for the system before 1825, it is certain that his colleagues did not go with him.

In the session of 1824 and 1825, however (a memorable era in the history of this country), a wonderful change took place in New England, in relation to Western interests. Sir, an extraordinary union of sympathies and of interests was then effected, which brought the East and the West into close alliance. The book from which I have before read contains the first public announcement of that happy reconciliation of conflicting interests, personal and political, which brought the East and West together, and locked in a fraternal embrace the two great orators of the East and the West. Sir, it was on the 18th of January, 1825, while the result of the presidential election, in the House of Representatives, was still doubtful, while the whole country was looking with intense anxiety to that legislative hall, where the mighty drama was so soon to be acted, that we saw the leaders of two great parties in the House and in the nation, "taking sweet counsel together," and, in a celebrated debate on the *Cumberland road*, fighting side by side for *Western interests*. It was on that memorable occasion that the Senator from Massachusetts *held out the white flag to the West*, and uttered those liberal sentiments which he yesterday so indignantly repudiated. Then it was that that happy union between the two members of the celebrated *coalition* was consummated, whose immediate issue was a President from *one quarter of the Union*, with the succession (as it was supposed) *secured to another*. The "American sys-

tem," before a rude, disjointed, and misshapen mass, now assumed form and consistency. Then it was that it became "the settled policy of the government," that this system should be so administered as to create a reciprocity of interests, and a reciprocal distribution of government favors, East and West (the tariff and internal improvements), while the South—yes, sir, the impracticable South—was to be "out of your protection." The gentleman may boast as much as he pleases, of the friendship of New England for the West, as displayed in their support of internal improvement; but, when he next introduces that topic, I trust that he will tell us *when* that friendship commenced, *how* it was brought about, and *why* it was established. Before I leave this topic, I must be permitted to say that the true character of the policy now pursued by the gentleman from Massachusetts and his friends, in relation to appropriations of land and money for the benefit of the West, is, in my estimation, very similar to that pursued by Jacob of old toward his brother Esau: "It robs them of their birthright for a mess of pottage."

The gentleman from Massachusetts, in alluding to a remark of mine, that before any disposition could be made of the public lands, the *national debt*, for which they stand pledged, must be first paid, took occasion to intimate "that the *extraordinary fervor* which seems to exist in a *certain quarter* (meaning the South, sir,) for the payment of the debt, arises from a disposition *to weaken the ties which bind the people to the Union.*" While the gentleman deals us this blow, he professes an ardent desire to see the debt speedily extinguished. He must excuse me, however, for feeling some distrust on that subject until I find this disposition manifested by something stronger than professions. I shall look for acts, decided and unequivocal acts; for the performance of which an opportunity will very soon (if I am not greatly mistaken) be afforded. Sir, if I were at

liberty to judge of the course which that gentleman would pursue, from the principles which he has laid down in relation to this matter, I should be bound to conclude that he will be found acting with those with whom it is a darling object to prevent the payment of the public debt. He tells us he is desirous of paying the debt, "because we are under an obligation to discharge it." Now, sir, suppose it should happen that the public creditors, with whom we have contracted the obligation, should release us from it, so far as to declare their willingness to wait for payment for fifty years to come, provided only the interest shall be punctually discharged. The gentleman from Massachusetts will then be released from the obligation which now makes him desirous of paying the debt; and, let me tell the gentleman, the holders of the stock will not only release us from this obligation, but they will implore, nay, they will even *pay us*, not to pay them. But, adds the gentleman, so far as the debt may have an effect in binding the debtors to the country, and thereby serving as a link to hold the States together, he would be glad that it should exist forever. Surely then, sir, on the gentleman's own principles, he must be opposed to the payment of the debt.

Sir, let me tell that gentleman, that the South repudiates the idea that a *pecuniary dependence* on the federal government is one of the legitimate means of holding the States together. A moneyed interest in the government is essentially a base interest; and just so far as it operates to bind the feelings of those who are subjected to it to the government,—just so far as it operates in creating sympathies and interests that would not otherwise exist,—is it opposed to all the principles of free government, and at war with virtue and patriotism. Sir, the link which binds the public creditors, *as such*, to their country, binds them equally to all governments, whether arbitrary or free. In a free government, this principle of abject dependence, if extended through all the ramifications of

society, must be fatal to liberty. Already have we made alarming strides in that direction. The entire class of manufacturers, the holders of stocks, with their hundreds of millions of capital, are held to the government by the strong link of *pecuniary interests*; millions of people—entire sections of country, interested, or believing themselves to be so, in the public lands, and the public treasure—are bound to the government by the expectation of *pecuniary favors*. If this system is carried much further, no man can fail to see that every generous motive of attachment to the country will be destroyed, and in its place will spring up those low, grovelling, base, and selfish feelings which bind men to the footstool of a despot by bonds as strong and enduring as those which attach them to free institutions. Sir, I would lay the foundation of this government in the affections of the people—I would teach them to cling to it by dispensing equal justice, and, above all, by securing the “blessings of liberty” to “themselves and to their posterity.”

The honorable gentleman from Massachusetts has gone out of his way to pass a high eulogium on the State of Ohio. In the most impassioned tones of eloquence, he described her majestic march to greatness. He told us that, having already left all the other States far behind, she was now passing by Virginia and Pennsylvania, and about to take her station by the side of New York. To all this, sir, I was disposed most cordially to respond. When, however, the gentleman proceeded to contrast the State of Ohio with Kentucky, to the disadvantage of the latter, I listened to him with regret; and when he proceeded further to attribute the great, and, as he supposed, acknowledged superiority of the former in population, wealth, and general prosperity, to the policy of Nathan Dane of Massachusetts, which had secured to the people of Ohio (by the ordinance of '87) a *population of freemen*, I will confess that my feelings suffered a revulsion which I am now unable to describe

in any language sufficiently respectful toward the gentleman from Massachusetts. In contrasting the State of Ohio with Kentucky, for the purpose of pointing out the *superiority of the former*, and of attributing that superiority to the *existence of slavery* in the one State, and its absence in the other, I thought I could discern *the very spirit of the Missouri question*, intruded into this debate, for objects best known to the gentleman himself. Did that gentleman, sir, when he formed the determination to cross the Southern border, in order to invade the State of South Carolina, deem it prudent or necessary to enlist under his banners *the prejudices of the world*, which, like *Swiss troops*, may be engaged in any cause, and are prepared to serve under any leader? Did he desire to avail himself of those remorseless allies, *the passions of mankind*, of which it may be more truly said than of the savage tribes of the wilderness, “that their known rule of warfare is an indiscriminate slaughter of all ages, sexes, and conditions?” Or was it supposed, sir, that, in a premeditated and unprovoked attack upon the South, it was advisable to begin by a gentle admonition of *our supposed weakness*, in order to prevent us from making that firm and manly resistance due to our own character and our dearest interests? Was the *significant hint* of the *weakness of slaveholding States*, when contrasted with the *superior strength of free States*,—like the glare of the weapon half drawn from its scabbard,—intended to enforce the lessons of prudence and of patriotism, which the gentleman had resolved, out of his abundant generosity, gratuitously to bestow upon us? Mr. President, the impression which has gone abroad of the *weakness of the South*, as connected with the *slave question*, exposes us to such constant attacks, has done us so much injury, and is calculated to produce such infinite mischiefs, that I embrace the occasion presented by the remarks of the gentleman from Massachusetts, to declare that we are ready to meet the question promptly and



fearlessly. It is one from which we are not disposed to shrink, in whatever form or under whatever circumstances it may be pressed upon us.

We are ready to take up the issue with the gentleman, as to the influence of slavery on individual or national character—on the prosperity and greatness, either of the United States or of particular States. Sir, when arraigned before the bar of public opinion, on this charge of slavery, we can stand up with conscious rectitude, plead not guilty, and put ourselves upon God and our country. Sir, we will not consent to look at slavery in the abstract. We will not stop to inquire whether the black man, as some philosophers have contended, is of an inferior race, nor whether his color and condition are the effects of a curse inflicted for the offenses of his ancestors. We deal in no *abstractions*. We will not look back to inquire whether our fathers were guiltless in introducing slaves into this country. If an inquiry should ever be instituted in these matters, however, it will be found that the profits of the slave trade were not confined to the South. Southern ships and Southern sailors were not the instruments of bringing slaves to the shores of America, nor did our merchants reap the profits of that "accursed traffic." But, sir, we will pass over all this. If slavery, as it now exists in this country, be an evil, we of the present day *found it ready made to our hands*. Finding our lot cast among a people whom God had manifestly committed to our care, we did not sit down to speculate on abstract questions of theoretical liberty. We met it as a practical question of *obligation and duty*. We resolved to make the best of the situation in which Providence had placed us, and to fulfill the high trusts which had devolved upon us as the owners of slaves, in the only way in which such a trust could be fulfilled, without spreading misery and ruin throughout the land. We found that we had to deal with a people whose physical, moral,

and intellectual habits and character totally disqualified them from the enjoyment of the blessings of freedom. We could not send them back to the shores from whence their fathers had been taken; their numbers forbade the thought, even if we did not know that their condition here is infinitely preferable to what it possibly could be among the barren sands and savage tribes of Africa; and it was wholly irreconcilable with all our notions of humanity to tear asunder the tender ties which they had formed among us, to gratify the feelings of a false philanthropy. What a commentary on the wisdom, justice, and humanity of the Southern slave owner is presented by the example of certain benevolent associations and charitable individuals *elsewhere!* Shedding weak tears over sufferings which had existed in their own sickly imaginations, these "friends of humanity" set themselves systematically to work to seduce the slaves of the South from their masters. By means of missionaries and political tracts, the scheme was in a great measure successful. Thousands of these deluded victims of fanaticism were seduced into the enjoyment of freedom in our Northern cities. And what has been the consequence? Go to these cities now, and ask the question. Visit the dark and narrow lanes, and obscure recesses, which have been assigned by common consent as the abodes of those outcasts of the world, the free people of color. Sir, there does not exist, on the face of the whole earth, a population so poor, so wretched, so vile, so loathsome, so utterly destitute of all the comforts, conveniences, and decencies of life, as the unfortunate blacks of Philadelphia, and New York, and Boston. Liberty has been to them the greatest of calamities, the heaviest of curses. Sir, I have had some opportunities of making comparison between the conditions of the free negroes of the North and the slaves of the South, and the comparison has left not only an indelible impression of the superior advantages of the latter,

but has gone far to reconcile me to slavery itself. Never have I felt so forcibly that touching description, "The foxes have holes, and the birds of the air have nests, but the Son of Man hath not where to lay his head," as when I have seen this unhappy race, naked and houseless, almost starving in the streets, and abandoned by all the world. Sir, I have seen in the neighborhood of one of the most moral, religious, and refined cities of the North, a family of free blacks, driven to the caves of the rocks, and there obtaining a precarious subsistence, from charity and plunder.

When the gentleman from Massachusetts adopts and reiterates the old charge of weakness, as resulting from slavery, I must be permitted to call for the proof of those blighting effects which he ascribes to its influence. I suspect that when the subject is closely examined, it will be found that there is not much force, even in the plausible objection of the want of physical power in slaveholding States. The power of a country is compounded of its population and its wealth, and in modern times, where, from the very form and structure of society, by far the greater portion of the people must, even during the continuance of the most desolating wars, be employed in the cultivation of the soil and other peaceful pursuits, it may be well doubted whether slaveholding States, by reason of the superior value of their productions, are not able to maintain a number of troops in the field fully equal to what could be supported by States with a larger white population, but not possessed of equal resources.

It is a popular error to suppose that, in any possible state of things, the people of a country could ever be called out *en masse*, or that a half, or a third, or that even a fifth part of the physical force of any country could ever be brought into the field. The difficulty is, not to procure men, but to provide *the means of maintaining them*; and in this view of the subject, it may be asked whether the Southern States are not a source of

*strength and power*, and not of *weakness*, to the country—whether they have not contributed, and are not now contributing, largely to the wealth and prosperity of every State in this Union. From a statement which I hold in my hand, it appears that in ten years—from 1818 to 1827, inclusive—the whole amount of the domestic exports of the United States was \$521,811,045; of which three articles (*the product of slave labor*), viz., cotton, rice, and tobacco, amounted to \$339,203,232—equal to *about two-thirds of the whole*. It is not true, as has been supposed, that the advantage of this labor is confined almost exclusively to the Southern States. Sir, I am thoroughly convinced that, at this time, *the States north of the Potomac actually derive greater profits from the labor of our slaves than we do ourselves*. It appears from our public documents, that in seven years—from 1821 to 1827, inclusive—the six Southern States *exported* \$190,337,281, and *imported* only \$55,646,301. Now, the difference between these two sums (near \$140,000,000) *passed through the hands of the Northern merchants*, and enabled them to carry on their commercial operations with all the world. Such part of these goods as found its way back to our hands came charged with the duties, as well as the profits, of the merchant, the ship owner, and a host of others, who found employment in carrying on these immense exchanges; and for such part as was consumed at the North, we received in exchange *Northern manufactures*, charged with an increased price, to cover all the taxes which the Northern consumer had been compelled to pay on the imported article. It will be seen, therefore, at a glance, how much slave labor has contributed to the wealth and prosperity of the United States, and how largely our Northern brethren have participated in the profits of that labor. Sir, on this subject I will quote an authority, which will, I doubt not, be considered by the Senator from Massachusetts as entitled to high respect. It is from the great father of the "American

System," *honest Matthew Carey*—no great friend, it is true, at this time, to Southern rights and Southern interests, but not the worst authority on that account, *on the point in question*.

Speaking of the *relative importance to the Union* of the SOUTHERN and EASTERN STATES, Matthew Carey, in the sixth edition of his *Olive Branch* (p. 278), after exhibiting a number of statistical tables to show the decided superiority of the former, thus proceeds:—

"But I am tired of this investigation—I sicken for the honor of the human species. What idea must the world form of the arrogance of the pretensions of the one side [the East], and of the folly and weakness of the rest of the Union, to have so long suffered them to pass without exposure and detection. The naked fact is, that the demagogues in the Eastern States, not satisfied *with deriving all the benefit from the Southern section of the Union that they would from so many wealthy colonies*—with making princely fortunes by the carriage and exportation of its bulky and valuable productions, and *supplying it with their own manufactures*, and the productions of Europe and the East and West Indies, to an enormous amount, and at an immense profit, have uniformly treated it with outrage, insult, and injury. And, regardless of their vital interests, the Eastern States were lately *courting their own destruction*, by allowing a few restless, turbulent men to lead them blindfolded to a *separation* which was *pregnant with their certain ruin*. Whenever that event takes place, they sink into insignificance. If a separation were desirable to any part of the Union, it would be to the Middle and Southern States, particularly the latter, who have been so long harassed with the complaints, the restlessness, the turbulence, and the ingratitude of the Eastern States, that their patience has been tried almost beyond endurance. '*Jeshurun waxed fat and kicked*'—and he will be severely punished for his kicking, in the event of a dissolution of the Union." Sir, I wish it to be

distinctly understood that I do not adopt these sentiments as my own. I quote them to show that very different sentiments have prevailed in former times as to the weakness of the slaveholding States from those which now seem to have become fashionable in certain quarters. I know it has been supposed, by certain ill-informed persons, that the South exists only by the countenance and protection of the North Sir, this is the idlest of all idle and ridiculous fancies that ever entered into the mind of man. In every State of this Union, except one, the free white population actually preponderates; while in the British West India Islands (where the average white population is *less than ten per cent. of the whole*), the slaves are kept in entire subjection; it is preposterous to suppose that the Southern States could ever find the smallest difficulty in this respect. On this subject, as in all others, we ask nothing of our Northern brethren but to "let us alone." Leave us to the undisturbed management of our domestic concerns, and the direction of our own industry, and we will ask no more. Sir, all our difficulties on this subject have arisen from interference from abroad, which has disturbed, and may again disturb, our domestic tranquillity just so far as to bring down punishment upon the heads of the unfortunate victims of a fanatical and mistaken humanity.

There is a *spirit*, which, like the father of evil, is constantly "walking to and fro about the earth, seeking whom it may devour;" it is the spirit of FALSE PHILANTHROPY. The persons whom it possesses do not, indeed, throw themselves into the flames, but they are employed in lighting up the torches of discord throughout the community. Their first principle of action is to leave their own affairs, and neglect their own duties, to regulate the affairs and duties of others. Theirs is the task to feed the hungry, and clothe the naked, of other lands, while they thrust the naked, famished, and shivering beggar from their own doors; to instruct the

heathen, while their own children want the bread of life. When this spirit infuses itself into the bosom of a Statesman (if one so possessed can be called a Statesman), it converts him at once into a visionary enthusiast. Then it is that he indulges in golden dreams of national greatness and prosperity. He discovers that "liberty is power," and, not content with vast schemes of improvement at home, which it would bankrupt the treasury of the world to execute, he flies to foreign lands, to fulfil obligations to "the human race," by inculcating the principles of "political and religious liberty," and promoting the "general welfare" of the whole human race. It is a spirit which has long been busy with the *slaves of the South*; and is even now displaying itself in vain efforts to drive the government from its wise policy in relation to the *Indians*. It is the spirit which has filled the land with thousands of wild and visionary projects, which can have no effect but to waste the energies and dissipate the resources of the country. It is the spirit of which the aspiring politician dexterously avails himself, when, by inscribing on his banner the magical words, LIBERTY AND PHILANTHROPY, he draws to his support that class of persons who are ready to bow down at the very name of their idol.

But, sir, whatever difference of opinion may exist as to the effect of slavery on national wealth and prosperity, if we may trust to experience, there can be no doubt that it has never yet produced any injurious effect on *individual or national character*. Look through the whole history of the country, from the commencement of the Revolution down to the present hour; where are there to be found brighter examples of intellectual and moral greatness than have been exhibited by the sons of the South? From the FATHER OF HIS COUNTRY down to the DISTINGUISHED CHIEFTAIN who has been elevated by a grateful people to the highest office in their gift, the in-

terval is filled up by a long line of orators, of statesmen, and of heroes, justly entitled to rank among the ornaments of their country, and the benefactors of mankind. Look at the "Old Dominion," great and magnanimous Virginia, "whose jewels are her sons." Is there any State in this Union which has contributed so much to the honor and welfare of the country? Sir, I will yield the whole question—I will acknowledge the fatal effects of slavery upon character, if any one can say, that, for noble disinterestedness, ardent love of country, exalted virtue, and a pure and holy devotion to liberty, the people of the Southern States have ever been surpassed by any in the world. I know, sir, that this *devotion to liberty* has sometimes been supposed to be at war with our institutions; but it is in some degree the result of those very institutions. Burke, the most philosophical of statesmen, as he was the most accomplished of orators, well understood the operation of this principle, in elevating the sentiments and exalting the principles of the people in slaveholding States. I will conclude my remarks on this branch of the subject by reading a few passages from his speech "on moving his resolutions for conciliation with the colonies," the 22d of March, 1775.

"There is a circumstance attending the Southern colonies which makes the spirit of liberty still more high and haughty than in those to the Northward. It is, that in Virginia and the Carolinas they have a *vast multitude of slaves*. Where this is the case, in any part of the world, those who are free are by far the most proud and jealous of their freedom. Freedom is to them not only an enjoyment, but a kind of rank and privilege. Not seeing there, as in countries where it is a common blessing, and as broad and general as the air, that it may be united with much abject toil, with great misery, with all the exterior of servitude, liberty looks among them like something more noble and

liberal. I do not mean, sir, to commend the superior morality of this sentiment, which has, at least, as much pride as virtue in it—but I cannot alter the nature of man. The fact is so; and these people of the Southern colonies are much more strongly, and with a higher and more stubborn spirit, attached to liberty than those to the Northward. Such were all the ancient commonwealths—such were our Gothic ancestors—such, in our days, were the Poles—and *such will be all masters of slaves who are not slaves themselves.* In such a people, the haughtiness of domination combines with the spirit of freedom, fortifies it, *and renders it invincible.*"

In the course of my former remarks, Mr. President, I took occasion to deprecate, as one of the greatest evils, the *consolidation of this government.* The gentleman takes alarm at the sound. "*Consolidation,*" "like the *tariff,*" grates upon his ear. He tells us, "We have heard much of late about consolidation; that it is the rallying word of all who are endeavoring to *weaken the Union,* by adding to the power of the States." But consolidation (says the gentleman) was the very object for which the Union was formed; and, in support of that opinion, he read a passage from the address of the president of the convention to Congress, which he assumes to be authority on his side of the question. But, sir, the gentleman is mistaken. The object of the framers of the Constitution, as disclosed in that address, was not the *consolidation of the government,* but "the consolidation of the Union." It was not to draw power from the States, in order to transfer it to a great national government, but, in the language of the Constitution itself, "to form a more perfect Union;" and by what means? By "establishing justice, promoting domestic tranquility, and securing the blessings of liberty to ourselves and our posterity." This is the true reading of the Constitution. But, according to the gentleman's reading, the object of

the Constitution was, to *consolidate the government,* and the means would seem to be, the promotion of *injustice,* causing domestic *discord,* and depriving the States and the people "of the blessings of liberty" forever.

The gentleman boasts of belonging to the party of NATIONAL REPUBLICANS. NATIONAL REPUBLICANS! A new name, sir, for a very old thing. The National Republicans of the present day were the *Federalists* of '98, who became *Federal Republicans* during the war of 1812, and were *manufactured* into *National Republicans* somewhere about the year 1825.

As a *party* (by whatever name distinguished) they have always been animated by the same principles, and have kept steadily in view a common object, the consolidation of the government. Sir, the party to which I am proud of having belonged, from the very commencement of my political life to the present day, were the *Democrats* of '98 (*Anarchists, Anti-Federalists, Revolutionists,* I think they were sometimes called.) They assumed the name of *Democratic Republicans* in 1822, and have retained their name and principles up to the present hour. True to their political faith, they have always, as a party, been in favor of limitations of power; they have insisted that all powers not delegated to the Federal government are reserved, and have been constantly struggling, as they now are, to preserve the rights of the States, and to prevent them from being drawn into the vortex, and swallowed up by one great consolidated government.

Sir, any one acquainted with the history of parties in this country, will recognize in the points now in dispute between the Senator from Massachusetts and myself, the very grounds which have, from the beginning, divided the two great parties in this country, and which (call these parties by what names you will, and *amalgamate* them as you may,) will divide them forever. The true distinction between those parties is laid down in a cele-

brated manifesto, issued by the convention of the Federalists of Massachusetts, assembled in Boston, in February, 1824, on the occasion of organizing a party opposition to the re-election of Governor Eustis. The gentleman will recognize this as "the canonical book of political scripture;" and it instructs us that, when the American colonies redeemed themselves from British bondage, and became so many *independent nations*, they proposed to form a NATIONAL UNION (not a *Federal* Union, sir, but a national Union). Those who were in favor of a *union of the States in this form* became known by the name of *Federalists*; those who wanted no union of the States, or disliked the proposed form of union, became known by the name of *Anti-Federalists*. By means which need not be enumerated, the *Anti-Federalists* became (after the expiration of twelve years) our national rulers, and, for a period of sixteen years, until the close of Mr. Madison's administration, in 1817, continued to exercise the exclusive direction of our public affairs. Here, sir, is the true history of the origin, rise, and progress of the party of *National Republicans*, who date back to the very origin of the government, and who then, as now, chose to consider the Constitution as having created, not a *Federal*, but a *National Union*; who regarded "consolidation" as no evil, and who doubtless considered it "a consummation devoutly to be wished" to build up a great "central government," "one and indivisible." Sir, there have existed, in every age and every country, two distinct orders of men—the *lovers of freedom* and the devoted *advocates of power*.

The same great leading principles, modified only by the peculiarities of manners, habits, and institutions, divided parties in the ancient republics, animated the *Whigs* and *Tories* of Great Britain, distinguished, in our own times, the *Liberals* and *Ultras* of France, and may be traced even in the bloody struggles of unhappy Spain. Sir, when the gallant *Riego*, who de-

voted himself, and all that he possessed, to the liberties of his country, was dragged to the scaffold, followed by the tears and lamentations of every lover of freedom throughout the world, he perished amid the deafening cries of "Long live the absolute King!" The people whom I represent, Mr. President, are the descendants of those who brought with them to this country, as the most precious of their possessions, "an ardent love of liberty;" and while that shall be preserved, they will always be found manfully struggling against the *consolidation of the government*—AS THE WORST OF EVILS.

The Senator from Massachusetts, in alluding to the tariff, becomes quite facetious. He tells us that "he hears of nothing but *tariff, tariff, tariff*;" and, if a word could be found to rhyme with it, he presumes it would be celebrated in verse, and set to music." Sir, perhaps the gentleman, in *mockery of our complaints*, may be himself disposed to sing the praises of the tariff, in doggerel verse, to the tune of "Old Hundred." I am not at all surprised, however, at the aversion of the gentleman to the very name of *tariff*. I doubt not that it must always bring up some very unpleasant recollections to his mind. If I am not greatly mistaken, the Senator from Massachusetts was a leading actor at a great meeting got up in Boston, in 1820, *against the tariff*. It has generally been supposed that he drew up the resolutions adopted by that meeting, denouncing the tariff system as unequal, oppressive, and unjust, and, if I am not much mistaken, *denying its constitutionality*. Certain it is, that the gentleman made a speech on that occasion in support of those resolutions, denouncing the system in no very measured terms; and, if my memory serves me, *calling its constitutionality in question*. I regret that I have not been able to lay my hands on those proceedings; but I have seen them, and cannot be mistaken in their character. At that time, sir, the Senator from Massachu-

setts entertained the very sentiments in relation to the tariff which the South now entertains. We next find the Senator from Massachusetts expressing his opinion on the tariff, as a member of the House of Representatives from the city of Boston, in 1824. On that occasion, sir, the gentleman assumed a position which commanded the respect and admiration of his country. He stood forth the powerful and fearless champion of *free trade*. He met, in that conflict, the advocates of restriction and monopoly, and they "fled from before his face." With a profound sagacity, a fullness of knowledge, and a richness of illustration that have never been surpassed, he maintained and established the principles of commercial freedom on a foundation never to be shaken. Great, indeed, was the victory achieved by the gentleman on that occasion; most striking the contrast between the clear, forcible, and convincing arguments by which he carried away the understandings of his hearers, and the narrow views and wretched sophistry of *another distinguished orator*, who may be truly said to have "held up his farthing candle to the sun."

Sir, the Senator from Massachusetts, on that, the proudest day of his life, like a mighty giant, bore away upon his shoulders the pillars of the temple of error and delusion, escaping himself unhurt, and leaving his adversaries overwhelmed in its ruins. Then it was that he erected to free trade a beautiful and enduring monument, and "inscribed the marble with his name." Mr. President, it is with pain and regret that I now go forward to the next great era in the political life of that gentleman, when he was found on this floor, supporting, advocating, and finally voting for the tariff of 1828—that "bill of abominations." By that act, sir, the Senator from Massachusetts has destroyed the labors of his whole life, and given a wound to the cause of free trade never to be healed. Sir, when I recollect the position which that gentleman once occupied, and that which he now

holds in public estimation, in relation to this subject, it is not at all surprising that the tariff should be hateful to his ears. Sir, if I had erected to my own fame so proud a monument as that which the gentleman built up in 1824, and I could have been tempted to destroy it with my own hands, I should hate the voice that should ring "the accursed tariff" in my ears. I doubt not the gentleman feels very much in relation to the tariff as a certain knight did to "*instinct*," and with him would be disposed to exclaim,—

"Ah! no more of that, Hal, an' thou lovest me."

But, Mr. President, to be more serious, what are we of the South to think of what we have heard this day? The Senator from Massachusetts tells us that the tariff is not an Eastern measure, and treats it as if the East had no interest in it. The Senator from Missouri insists it is not a Western measure, and that it has done no good to the West. The South comes in, and, in the most earnest manner, represents to you that this measure, which we are told "is of no value to the East or the West," is "utterly destructive of our interests." We represent to you that it has spread ruin and devastation through the land, and prostrated our hopes in the dust. We solemnly declare that we believe the system to be wholly unconstitutional, and a violation of the compact between the States and the Union; and our brethren *turn a deaf ear to our complaints*, and refuse to relieve us from a system "which not enriches them, but makes us poor indeed." Good God! Mr. President, *has it come to this?* Do gentlemen hold the feelings and wishes of their brethren at so cheap a rate, that they refuse to gratify them at so small a price? Do gentlemen value so lightly the peace and harmony of the country, that they will not yield a measure of this description to the affectionate entreaties and earnest remonstrances of their friends? Do gentlemen estimate the value of the Union at so low a price, that they will not even make

one effort to bind the States together with the cords of affection? And has it come to this? Is this the spirit in which this government is to be administered? If so, let me tell you, gentlemen, the seeds of dissolution are already sown, and our children will reap the bitter fruit.

The honorable gentleman from Massachusetts (Mr. Webster), while he exonerates me, personally, from the charge, intimates that there is a party in the country who are looking to disunion. Sir, if the gentleman had stopped there, the accusation would have "passed by me like the idle wind, which I regard not." But when he goes on to give to his accusation "a local habitation and a name," by quoting the expression of a distinguished citizen of South Carolina (Dr. Cooper), "that it was time for the South to calculate the value of the Union," and in the language of the bitterest sarcasm, adds, "Surely, then, the Union cannot last longer than July, 1831," it is impossible to mistake either the allusion or the object of the gentleman. Now, Mr. President, I call upon every one who hears me to bear witness that this controversy is not of my seeking. The Senate will do me the justice to remember that, at the time this unprovoked and uncalled-for attack was made on the South, not one word had been uttered by me in disparagement of New England; nor had I made the most distant allusion either to the Senator from Massachusetts, or the State he represents. But, sir, that gentleman has thought proper, for purposes best known to himself, to strike the South, through me, the most unworthy of her servants. He has crossed the border, he has invaded the State of South Carolina, is making war upon her citizens, and endeavoring to overthrow her principles and her institutions. Sir, when the gentleman provokes me to such a conflict, I meet him at the threshold; I will struggle, while I have life, for our altars and our firesides; and, if God gives me strength, I will drive back the invader discomfited. Nor shall I stop there. If the

gentleman provokes the war, he shall have war. Sir, I will not stop at the border; I will carry the war into the enemy's territory, and not consent to lay down my arms until I have obtained "indemnity for the past, and security for the future." It is with unfeigned reluctance, Mr. President, that I enter upon the performance of this part of my duty; I shrink almost instinctively from a course, however necessary, which may have a tendency to excite sectional feelings and sectional jealousies. But, sir, the task has been forced upon me; and I proceed right onward to the performance of my duty. Be the consequences what they may, the responsibility is with those who have imposed upon me this necessity. The Senator from Massachusetts has thought proper to cast the first stone; and if he shall find, according to a homely adage, "that he lives in a glass house," on his head be the consequences. The gentleman has made a great flourish about his fidelity to Massachusetts. I shall make no professions of zeal for the interests and honor of South Carolina; of that my constituents shall judge. If there be one State in the Union, Mr. President (and I say it not in a boastful spirit), that may challenge comparison with any other, for a uniform, zealous, ardent, and uncalculating devotion to the Union, that State is South Carolina. Sir, from the very commencement of the Revolution up to this hour, there is no sacrifice, however great, she has not cheerfully made, no service she has ever hesitated to perform. She has adhered to you in your prosperity; but in your adversity she has clung to you with more than filial affection. No matter what was the condition of her domestic affairs, though deprived of her resources, divided by parties, or surrounded with difficulties, the call of the country has been to her as the voice of God. Domestic discord ceased at the sound; every man became at once reconciled to his brethren, and the sons of Carolina were all seen crowding together to the temple, bringing their gifts



freely and lavishly to the altar of their common country.

What, sir, was the conduct of the South during the Revolution? Sir, I honor New England for her conduct in that glorious struggle. But, great as is the praise which belongs to her, I think, at least, equal honor is due to the South. They espoused the quarrel of their brethren with a generous zeal, which did not suffer them to stop to calculate their interest in the dispute. Favorites of the mother country, possessed of neither ships nor seamen to create a commercial rivalry, they might have found in their situation a guarantee that their trade would be forever fostered and protected by Great Britain. But, trampling on all considerations, either of interest or of safety, they rushed into the conflict, and, fighting for principle, periled all, in the sacred cause of freedom. Never was there exhibited in the history of the world higher examples of noble daring, dreadful suffering, and heroic endurance, than by the Whigs of Carolina during the Revolution. The whole State, from the mountains to the sea, was overrun by an overwhelming force of the enemy. The fruits of industry perished on the spot where they were produced, or were consumed by the foe. The "plains of Carolina" drank up the most precious blood of her citizens. Black and smoking ruins marked the places which had been the habitations of her children. Driven from their homes into the gloomy and almost impenetrable swamps, even there the spirit of liberty survived, and South Carolina (sustained by the example of her Sumters and her Marions) proved, by her conduct, that, though her soil might be overrun, the spirit of her people was invincible.

But, sir, our country was soon called upon to engage in another revolutionary struggle, and that, too, was a struggle for principle. I mean the political revolution which dates back to '98, and which, if it had not been successfully achieved, would have left us none of the fruits

of the revolution of '76. The revolution of '98 restored the Constitution, rescued the liberty of the citizens from the grasp of those who were aiming at its life, and, in the emphatic language of Mr. Jefferson, "saved the Constitution at its last gasp." And by whom was it achieved? By the South, sir, aided only by the democracy of the North and West.

I come now to the war of 1812—a war which, I well remember, was called in derision (while its event was doubtful) the Southern war, and sometimes the Carolina war; but which is now universally acknowledged to have done more for the honor and prosperity of the country than all other events in our history put together. What, sir, were the objects of that war? "Free trade and sailors' rights!" It was for the protection of Northern shipping and New England seamen that the country flew to arms. What interest had the South in that contest? If they had sat down coldly to calculate the value of their interest involved in it, they would have found that they had everything to lose, and nothing to gain. But, sir, with that generous devotion to country so characteristic of the South, they only asked if the rights of any portion of their fellow-citizens had been invaded; and when told that Northern ships and New England seamen had been arrested on the common highway of nations, they felt that the honor of their country was assailed; and, acting on that exalted sentiment "which feels a stain like a wound," they resolved to seek, in open war, for a redress of those injuries which it did not become freemen to endure. Sir, the whole South, animated as by a common impulse, cordially united in declaring and promoting the war. South Carolina sent to your councils, as the advocates and supporters of that war, the noblest of her sons. How they fulfilled that trust, let a grateful country tell. Not a measure was adopted, not a battle fought, not a victory won, which contributed, in any degree, to the success of that war, to which Southern

councils and Southern valor did not largely contribute. Sir, since South Carolina is assailed, I must be suffered to speak it to her praise, that, at the very moment when, in one quarter, we heard it solemnly proclaimed, "that it did not become a religious and moral people to rejoice at the victories of our army and of our navy," her legislature unanimously

"*Resolved*, That we will cordially support the government in the vigorous prosecution of the war, until a peace can be obtained on honorable terms, and we will cheerfully submit to every privation that may be required of us, by our government, for the accomplishment of this object."

South Carolina redeemed that pledge. She threw open her treasury to the government. She put at the absolute disposal of the officers of the United States all that she possessed—her men, her money, and her arms. She appropriated half a million of dollars, on her own account, in defense of her maritime frontier, ordered a brigade of State troops to be raised, and, when left to protect herself by her own means, never suffered the enemy to touch her soil without being instantly driven off, or captured.

Such, sir, was the conduct of the South—such the conduct of my own State in that dark hour "which tried men's souls."

When I look back and contemplate the spectacle exhibited at that time in another quarter of the Union—when I think of the conduct of certain portions of New England, and remember the part which was acted on the memorable occasion by the political associates of the gentleman from Massachusetts—nay, when I follow that gentleman into the councils of the nation, and listen to his voice during the darkest period of the war, I am, indeed, astonished that he should venture to touch upon the topics which he has introduced into this debate. South Carolina reproached by Massachusetts? And from whom does this accusation come? Not

from the Democracy of New England; for they have been in times past, as they are now, the friends and allies of the South. No, sir, the accusation comes from the party whose acts, during the most trying and eventful period of our national history, were of such a character that their own legislature, but a few years ago, actually blotted them out from their records, as a stain upon the honor of the country. But how can they ever be blotted out from the recollection of any one who had a heart to feel, a mind to comprehend, and a memory to retain, the events of that day! Sir, I shall not attempt to write the history of the party in New England, to which I have alluded—the war party in peace, and the peace party in war. That task I shall leave to some future biographer of Nathan Dane, and I doubt not it will be found quite easy to prove that the peace party of Massachusetts were the only defenders of their country during their war, and actually achieved all our victories by land and sea. In the meantime, sir, and until that history shall be written, I propose, with the feeble and glimmering light which I possess, to review the conduct of this party, in connection with the war, and the events which immediately preceded it.

It will be recollected, sir, that our great causes of quarrel with Great Britain were her depredations on the Northern commerce, and the impressment of New England seamen. From every quarter we were called upon for protection. Importunate as the West is now represented to be on another subject, the importunity of the East on that occasion was far greater. I hold in my hands the evidence of the fact. Here are petitions, memorials, and remonstrances from all parts of New England, setting forth the injustice, the oppressions, the depredations, the insults, the outrages, committed by Great Britain against the unoffending commerce and seamen of New England, and calling upon Congress for redress. Sir, I cannot stop to read these memorials. In that from

Boston, after stating the alarming and extensive condemnation of our vessels by Great Britain, which threatened "to sweep our commerce from the face of the ocean," and "to involve our merchants in bankruptcy," they call upon the government "to assert our rights," and to adopt such measures as will support the dignity and honor of the United States.

From Salem we heard a language still more decisive; they call explicitly for "an appeal to arms," and pledge their lives and property in support of any measure which Congress might adopt. From Newburyport an appeal was made "to the firmness and justice of the government to obtain compensation and protection." It was here, I think, that, when the war was declared, it was resolved "to resist our own government, even unto blood." (*Olive Branch*, p. 101.)

In other quarters the common language of that day was, that our commerce and our seamen were entitled to protection; and that it was the duty of the government to afford it at every hazard. The conduct of Great Britain, we were then told, was "an outrage upon our national independence." These clamors, which commenced as early as January, 1806, were continued up to 1812. In a message from the Governor of one of the New England States, as late as the 10th of October, 1811, this language is held: "A manly and decisive course has become indispensable; a course to satisfy foreign nations that, while we desire peace, we have the means and the spirit to repel aggression. We are false to ourselves when our commerce, or our territory, is invaded with impunity."

About this time, however, a remarkable change was observed in the tone and temper of those who had been endeavoring to force the country into a war. The language of complaint was changed into that of insult, and calls for protection converted into reproaches. "Smoke, smoke!" says one writer; "my life on it, our executive has no more idea of declaring war

than my grandmother." "The committee of ways and means," says another, "have come out with their Pandora's box of taxes, and yet nobody dreams of war." "Congress do not mean to declare war; they dare not." But why multiply examples? An honorable member of the other House, from the city of Boston [Mr. Quincy], in a speech delivered on the 3d of April, 1812, says, "Neither promises, nor threats, nor asseverations, nor oaths, will make me believe that you will go to war. The navigation States are sacrificed, and the spirit and character of the country prostrated by fear and avarice." "You cannot," said the same gentleman, on another occasion, "be kicked into a war."

Well, sir, the war at length came, and what did we behold? The very men who had been for six years clamorous for war, and for whose protection it was waged, became at once equally clamorous against it. They had received a miraculous visitation; a new light suddenly beamed upon their minds; the scales fell from their eyes, and it was discovered that the war was declared from "subserviency to France;" and that Congress and the executive, "had sold themselves to Napoleon;" that Great Britain had in fact "done us no essential injury;" that she was "the bulwark of our religion;" that where "she took one of our ships, she protected twenty;" and that, if Great Britain had impressed a few of our seamen, it was because "she could not distinguish them from her own." And so far did this spirit extend, that a committee of the Massachusetts legislature actually fell to calculation, and discovered, to their infinite satisfaction, but to the astonishment of all the world besides, that only eleven Massachusetts sailors had ever been impressed. Never shall I forget the appeals that had been made to the sympathies of the South in behalf of the "thousands of impressed Americans," who had been torn from their families and friends, and "immured in the floating dungeons of Britain." The most touching pictures were drawn of the

hard condition of American sailors, "treated like a slave," forced to fight the battles of his enemy, "lashed to the mast, to be shot at like a dog." But, sir, the very moment we had taken up arms in their defense, it was discovered that all these were mere "fictions of the brain;" and that the whole number in the State of Massachusetts was but eleven; and that even these had been "taken by mistake." Wonderful discovery! The Secretary of State had collected authentic lists of no less than six thousand impressed Americans. Lord Castlereagh himself acknowledged sixteen hundred. Calculations on the basis of the number found on board of the *Guerriere*, the *Macedonian*, the *Java*, and other British ships (captured by the skill and gallantry of those heroes whose achievements are the treasured monuments of their country's glory), fixed the number at seven thousand; and yet, it seems, Massachusetts had lost but eleven! Eleven Massachusetts sailors taken by mistake! A cause of war, indeed! Their ships, too, the capture of which had threatened "universal bankruptcy," it was discovered that Great Britain was their friend and protector; where "she had taken one, she had protected twenty." Then was the discovery made, that subserviency to France, hostility to commerce, "a determination on the part of the South and West, to break down the Eastern States," (and especially, as reported by a committee of the Massachusetts legislature,) "to force the sons of commerce to populate the wilderness," were the "true causes of the war." (*Olive Branch*, pp. 134, 291.) But let us look a little further into the conduct of the peace party of New England at that important crisis. Whatever difference of opinion might have existed as to the causes of the war, the country had a right to expect that, when once involved in the contest, all America would have cordially united in its support. Sir, the war effected, in its progress, a union of all parties at the South. But not so in New England; there great efforts were made to stir up

the minds of the people to oppose it. Nothing was left undone to embarrass the financial operations of the government, to prevent the enlistment of troops, to keep back the men and money of New England from the service of the Union, to force the President from his seat. Yes, sir, "the Island of Elba, or a halter!" were the alternatives they presented to the excellent and venerable James Madison. Sir, the war was further opposed by openly carrying on illicit trade with the enemy, by permitting that enemy to establish herself on the very soil of Massachusetts, and by opening a free trade between Great Britain and America, with a separate custom house. Yes, sir, those who cannot endure the thought that we should insist on a free trade, in time of profound peace, could, without scruple, claim and exercise the right of carrying on a free trade with the enemy in a time of war; and, finally, by getting up the renowned "Hartford Convention," and preparing the way for an open resistance to the government, and a separation of the States. Sir, if I am asked for the proof of those things, I fearlessly appeal to the contemporary history, to the public documents of the country, to the recorded opinion and acts of public assemblies, to the declaration and acknowledgements, since made, of the executive and legislature of Massachusetts herself.

Sir, the time has not been allowed me to trace this subject through, even if I had been disposed to do so. But I cannot refrain from referring to one or two documents, which have fallen in my way since this debate began. I read, sir, from the *Olive Branch* of Matthew Carey, in which are collected "the actings and doings" of the peace party in New England, during the continuance of the embargo and the war. I know the Senator from Massachusetts will respect the high authority of his political friend and fellow-laborer in the great cause of "domestic industry."

In p. 301, *et seq.*, 309 of this work, is a de-

tailed account of the measures adopted in Massachusetts, during the war, for the express purpose of embarrassing the financial operations of the government, by preventing loans, and thereby driving our rulers from their seats, and forcing the country into a dishonorable peace. It appears that the Boston banks commenced an operation, by which a run was to be made upon all the banks of the South; at the same time stopping their own discounts; the effect of which was to produce a sudden and almost alarming diminution of the circulating medium, and universal distress over the whole country—"a distress which they failed not to attribute to the unholy war."

To such an extent was this system carried, that it appears, from a statement of the condition of the Boston banks, made up in January, 1814, that with nearly \$5,000,000 of specie in their vaults, they had but \$2,000,000 of bills in circulation. It is added by Carey that, at this very time, an extensive trade was carried on in British government bills, for which specie was sent to Canada, for the payment of the British troops, then laying waste our northern frontier; and this, too, at the very moment when New England ships, sailing under British licenses (a trade declared to be lawful by the courts both of Great Britain and Massachusetts\*), were supplying with provisions those very armies destined for the invasion of our own shores. Sir, the author of the Olive Branch, with a holy indignation, denounces these acts as "treasonable;" "giving aid and comfort to the enemy." I shall not follow his example. But I will ask, With what justice or propriety can the South be accused of disloyalty from that quarter? If we had any evidence that the Senator from Massachusetts had admonished his brethren, then he might, with a better grace, assume the office of admonishing us now.

\* 2d Dodson's Admiralty Reports, 43. 13th Mass. Reports, 26.

When I look at the measures adopted in Boston, at that day, to deprive the government of the necessary means for carrying on the war, and think of the success and the consequences of these measures, I feel my pride, as an American, humbled in the dust. Hear, sir, the language of that day. I read from pages 301 and 302 of the Olive Branch. "Let no man who wishes to continue the war, by active means, by vote, or lending money, dare to prostrate himself at the altar on the fast day." "Will Federalists subscribe to the loan? Will they lend money to our national rulers? It is impossible. First, because of principle, and, secondly, because of principle and interest." "Do not prevent the abusers of their trust from becoming bankrupt. Do not prevent them from becoming odious to the public, and being replaced by better men." "Any Federalist who lends money to the government must go and shake hands with James Madison, and claim fellowship with Felix Grundy." (I beg pardon of my honorable friend from Tennessee—but he is in good company. I had thought it was "James Madison, Felix Grundy, and the devil.") "Let him no more call himself a Federalist, and a friend to his country; he will be called by others infamous," etc.

Sir, the spirit of the people sunk under these appeals. Such was the effect produced by them on the public mind, that the very agents of the government (as appears from their public advertisements, now before me,) could not obtain loans without a pledge that "the names of the subscribers should not be known." Here are the advertisements: "The names of all subscribers" (say Gilbert and Dean, the brokers employed by government.) "shall be known only to the undersigned." As if those who came forward to aid their country in the hour of her utmost need, were engaged in some dark and foul conspiracy, they were assured "that their names should not be known." Can anything show more conclusively the unhappy

state of public feeling which prevailed at that day than this single fact? Of the same character with these measures was the conduct of Massachusetts in withholding her militia from the service of the United States, and devising measures for withdrawing her quota of the taxes, thereby attempting, not merely to cripple the resources of the country, but actually depriving the government (as far as depended upon her) of all the means of carrying on the war—of the bone, and muscle, and sinews of war—"of man and steel—the soldier and his sword." But it seems Massachusetts was to reserve her resources for herself—she was to defend and protect her own shores. And how was that duty performed? In some places on the coast neutrality was declared, and the enemy was permitted to invade the soil of Massachusetts, and allowed to occupy her territory until the peace, without one effort to rescue it from his grasp. Nay, more—while our own government and our own rulers were considered as enemies, the troops of the enemy were treated like friends—the most intimate commercial relations were established with them, and maintained up to the peace. At this dark period of our national affairs, where was the Senator from Massachusetts? How was his political associates employed? "Calculating the value of the Union?" Yes, sir, that was the propitious moment, when our country stood alone, the last hope of the world, struggling for her existence against the colossal power of Great Britain, "concentrated one mighty effort to crush us at a blow;" that was the chosen hour to revive the grand scheme of building up "a great northern confederacy"—a scheme which, it is stated in the work before me, had its origin as far back as the year 1796, and which appears never to have been entirely abandoned.

In the language of the writers of that day (1796), "rather than have a Constitution such as the anti-federalists were contending for (such as we are now contending for), the Union ought

to be dissolved;" and, to prepare the way for that measure, the same methods were resorted to then that have always been relied on for that purpose, exciting prejudice against the South. Yes, sir, our Northern brethren were then told, "that if the negroes were good for food, their Southern masters would claim the right to destroy them at pleasure." (Olive Branch, p. 267.) Sir, in 1814 all these topics were revived. Again we hear of "Northern confederacy." "The slave States by themselves;" "the mountains are the natural boundary;" we want neither "the counsels nor the power of the West," etc., etc. The papers teemed with accusations against the *South* and the *West*, and the calls for a dissolution of all connection with them were loud and strong. I cannot consent to go through the disgusting details. But to show the height to which the spirit of disaffection was carried, I will take you to the temple of the living God, and show you *that sacred place*, which should be devoted to the extension of "peace on earth, and good will toward men," where "*one day's truce*" ought surely to be allowed to the dissensions and animosities of mankind," converted into a *fierce arena of political strife*, where, from the lips of the priest, standing between the horns of the altar, there went forth the most *terrible denunciations* against all who should be true to their country in the hour of her utmost need.

"If you do not wish," said a reverend clergyman, in a sermon preached in Boston on the 23d of July, 1812, "to become the slaves of those who own slaves, and who are themselves the slaves of French slaves, you must either, *in the language of the day*, CUT THE CONNECTION, or so far alter the national compact as to insure to yourselves a due share in the government." (Olive Branch, p. 319.) "The Union," says the same writer (p. 320), "has been long since virtually dissolved, and it is full time that this part of the disunited States should take care of itself."

Another reverend gentleman, pastor of a church at Medford (p. 321), issues his anathema—"LET HIM STAND ACCURSED"—against all, all who by their "personal services," for "loans of money," "conversation," or "writing," or "influence," give countenance or support to the righteous war, in the following terms: "That man is an accomplice in the wickedness—he loads his conscience with the blackest crimes—he brings the guilt of blood upon his soul, and in the sight of God and his law, *he is a MURDERER.*"

One or two more quotations, sir, and I shall have done. A reverend doctor of divinity, the pastor of a church at Byfield, Massachusetts, on the 7th of April, 1814, thus addresses his flock (p. 321): "The Israelites became weary of yielding the fruit of their labor to pamper their splendid tyrants. They left their political woes. *THEY SEPARATED*; where is our Moses? Where is the rod of his miracles? Where is our Aaron? Alas! no voice from the burning bush has directed them here."

"We must trample on the mandates of despotism, or remain slaves forever," (p. 322). "You must drag the chains of Virginian despotism, unless you discover some other mode of escape." "Those Western States which have been violent for this abominable war—those States which have thirsted for blood—God has given them blood to drink," (p. 323). Mr. President, I can go no farther. The records of the day are full of such sentiments, issued from the press, spoken in public assemblies, poured out from the sacred desk. God forbid, sir, that I should charge the people of Massachusetts with participating in these sentiments. The South and the West had there their friends—men who stood by their country, though encompassed all around by their enemies. The Senator from Massachusetts (Mr. Silsbee) was one of them; the Senator from Connecticut (Mr. Foot) was another; and there are others now on this floor. The sentiments I have read

were the sentiments of a party embracing the political associates of the gentleman from Massachusetts. If they could only be found in the columns of a newspaper, in a few occasional pamphlets, issued by men of intemperate feeling, I should not consider them as affording any evidence of the opinions even of the peace party of New England. But, sir, they were the common language of that day; they pervaded the whole land; they were issued from the Legislative Hall, from the pulpit, and the press. Our books are full of them; and there is no man who now hears me, but knows that they were the sentiments of a party, by whose members they were promulgated. Indeed, no evidence of this would seem to be required beyond the fact that such sentiments found their way even into the pulpits of New England. What must be the state of public opinion, where any respectable clergyman would venture to preach, and to print, sermons containing the sentiments I have quoted? I doubt not the piety or moral worth of these gentlemen. I am told they were respectable and pious men. But they were men, and they "kindled in a common blaze." And now, sir, I must be suffered to remark that, at this awful and melancholy period of our national history, the gentleman from Massachusetts, who now manifests so great a devotion to the Union, and so much anxiety lest it should be endangered from the South, was "with his brethren in Israel." He saw all these things passing before his eyes—he heard these sentiments uttered all around him. I do not charge that gentleman with any participation in these acts, or with approving of these sentiments.

But I will ask, why, if he was animated by the same sentiments then, which he now professes, if he can "augur disunion at a distance, and snuff up rebellion in every tainted breeze," why did he not, at that day, exert his great talents and acknowledged influence with the political associates by whom he was sur-

rounded, and who then, as now, looked up to him for guidance and direction in allaying this general excitement, in pointing out to his deluded friends the value of the Union, in instructing them that, instead of looking "to some prophet to lead them out of the land of Egypt," they should become reconciled to their brethren, and unite with them in the support of a just and necessary war. Sir, the gentleman must excuse me for saying, that if the records of our country afforded any evidence that he had pursued such a course, then, if we could find it recorded in the history of those times, that, like the immortal Dexter, he had breasted that mighty torrent which was sweeping before it all that was great and valuable in our political institutions—if, like him, he had stood by his country in opposition to his party, sir, we would, like little children, listen to his precepts, and abide by his counsels.

As soon as the public mind was sufficiently prepared for the measure, the celebrated Hartford Convention was got up; not as the act of a few unauthorized individuals, but by the authority of the Legislature of Massachusetts; and, as has been shown by the able historian of that convention, in accordance with the views and wishes of the party of which it was the organ. Now, sir, I do not desire to call in question the motives of the gentlemen who composed that assembly. I knew many of them to be, in private life, accomplished and honorable men, and I doubt not there were some among them who did not perceive the dangerous tendency of their proceedings. I will even go further, and say that, if the authors of the Hartford Convention believed that "gross, deliberate, and palpable violations of the Constitution" had taken place, utterly destructive of their rights and interests, I should be the last man to deny their right to resort to any constitutional measures for redress. But, sir, in any view of the case, the time when, and the circumstances under which, that convention as-

sembled, as well as the measures recommended, render their conduct, in my opinion, wholly indefensible. Let us contemplate, for a moment, the spectacle then exhibited to the view of the world. I will not go over the disasters of the war, nor describe the difficulties in which the government was involved. It will be recollected that its credit was nearly gone, Washington had fallen, the whole coast was blockaded, and an immense force, collected in the West Indies, was about to make a descent, which it was supposed we had no means of resisting. In this awful state of our public affairs, when the government seemed almost to be tottering on its base, when Great Britain, relieved from all her other enemies, had proclaimed her purpose of "reducing us to unconditional submission," we beheld the peace party of New England (in the language of the work before us) "pursuing a course calculated to do more injury to their country, and to render England more effective service than all her armies." Those who could not find it in their hearts to rejoice at our victories, sang *Te Deum* at the King's Chapel in Boston, for the restoration of the Bourbons. Those who could not consent to illuminate their dwellings for the capture of the *Guerriere*, could give no visible tokens of their joy at the fall of Detroit. The "beacon fires" of their hills were lighted up, not for the encouragement of their friends, but as signals to the enemy; and, in the gloomy hours of midnight, the very lights burned blue. Such were the dark and portentous signs of the times, which ushered into being the renowned Hartford Convention. That convention met, and, from their proceedings, it appears that their chief object was to keep back the money and men of New England from the service of the Union, and to effect radical changes in the government—changes that can never be effected without a dissolution of the Union.

Let us now, sir, look at their proceedings. I read from "A Short Account of the Hartford



Convention" (written by one of its members), a very rare book, of which I was fortunate enough, a few years ago, to obtain a copy.

It is unnecessary to trace the matter further, or to ask what would have been the next chapter in this history, if the measures recommended had been carried into effect; and if, with the men and money of New England withheld from the government of the United States, she had been withdrawn from the war; if New Orleans had fallen into the hands of the enemy; and if, without troops, and almost destitute of money, the Southern and the Western States had been thrown upon their own resources, for the prosecution of the war, and the recovery of New Orleans.

Sir, whatever may have been the issue of the contest, the Union must have been dissolved. But a wise and just Providence, which "shapes our ends, rough hew them as we will," gave us the victory, and crowned our efforts with a glorious peace. The ambassadors of Hartford were seen retracing their steps from Washington, "the bearers of the glad tidings of great joy." Courage and patriotism triumphed—the country was saved—the Union was preserved. And are we, Mr. President, who stood by our country then, who threw open our coffers, who bared our bosoms, who freely periled all in that conflict, to be reproached with want of attachment to the Union? If, sir, we are to have lessons of patriotism read to us, they must come from a different quarter. The Senator from Massachusetts, who is now so sensitive on all subjects connected with the Union, seems to have a memory forgetful of the political events that have passed away. I must, therefore, refresh his recollection a little further on these subjects. The history of disunion has been written by one whose authority stands too high with the American people to be questioned; I mean Thomas Jefferson. I know not how the gentleman may receive this authority. When that great and good man occupied the presiden-

tial chair, I believe he commanded no portion of the gentleman's respect.

I hold in my hand a celebrated pamphlet on the embargo, in which language is held, in relation to Mr. Jefferson, which my respect for his memory will prevent me from reading, unless any gentleman should call for it. But the Senator from Massachusetts has since joined in singing hosannas to his name; he has assisted at his apotheosis, and has fixed him as "a brilliant star in the clear upper sky." I hope, therefore, he is now prepared to receive with deference and respect the high authority of Mr. Jefferson. In the fourth volume of his *Memoirs*, which has just issued from the press, we have the following history of disunion from the pen of that illustrious statesman: "Mr. Adams called on me pending the embargo, and while endeavors were making to obtain its repeal; he spoke of the dissatisfaction of the eastern portion of our confederacy with the restraints of the embargo then existing, and their restlessness under it; that there was nothing which might not be attempted, to rid themselves of it; that he had information of the most unquestionable authority, that certain citizens of the Eastern States (I think he named Massachusetts particularly) were in negotiation with agents of the British Government, the object of which was an agreement that the New England States should take no further part in the war (the commercial war, the 'war of restrictions,' as it was called) then going on, and that, without formally declaring their separation from the Union, they should withdraw from all aid and obedience to them, etc. From that moment," says Mr. J., "I saw the necessity of abandoning it [the embargo], and, instead of effecting our purpose by this peaceful measure, we must fight it out or break the Union." In another letter, Mr. Jefferson adds, "I doubt whether a single fact known to the world will carry as clear conviction to it of the correctness of our knowledge of the treasonable views of the

federal party of that day, as that disclosed by this, the most nefarious and daring attempt to dis sever the Union, of which the Hartford Convention was a subsequent chapter; and both of these having failed, consolidation becomes the fourth chapter of the next book of their history. But this opens with a vast accession of strength, from their younger recruits, who, having nothing in them of the feelings and principles of '76, now look to a single and splendid government, etc., riding and ruling over the plundered ploughman and beggared yeomanry." (vol. iv. pp. 419, 422.)

The last chapter, says Mr. Jefferson, of that history is to be found in the conduct of those who are endeavoring to bring about consolidation; aye, sir, that very consolidation for which the gentleman from Massachusetts is contending—the exercise by the Federal government of powers not delegated in relation to "internal improvements," and "the protection of manufactures." And why, sir, does Mr. Jefferson consider consolidation as leading directly to disunion? Because he knew that the exercise, by the Federal government, of the powers contended for, would make this "a government without limitation of powers," the submission to which he considered as a greater evil than disunion itself. There is one chapter in this history, however, which Mr. Jefferson has not filled up; and I must therefore supply the deficiency. It is to be found in the protests made by New England against the acquisition of Louisiana. In relation to that subject, the New England doctrine is thus laid down by one of her learned doctors of that day, now a doctor of laws, at the head of the great literary institution of the East; I mean Josiah Quincy, President of Harvard College. I quote from the speech delivered by that gentleman on the floor of Congress, on the occasion of the admission of Louisiana into the Union.

"Mr. Quincy repeated and justified a remark he had made, which, to save all misapprehen-

sion, he had committed to writing, in the following words: If this bill passes, it is my deliberate opinion that it is virtually a dissolution of the Union; that it will free the States from their moral obligation; and as it will be the right of all, so it will be the duty of some, to prepare for a separation, amicably if they can, violently if they must."

Mr. President, I wish it to be distinctly understood that all the remarks I have made on this subject are intended to be exclusively applied to a party, which I have described as the "peace party of New England"—embracing the political associates of the Senator from Massachusetts—a party which controlled the operations of that State during the embargo and the war, and who are justly chargeable with all the measures I have reprobated. Sir, nothing has been further from my thoughts than to impeach the character or conduct of the people of New England. For their steady habits and hardy virtues, I trust, I entertain a becoming respect. I fully subscribe to the truth of the description given before the Revolution, by one whose praise is the highest eulogy, "that the perseverance of Holland, the activity of France, and the dexterous and firm sagacity of English enterprise, have been more than equaled by this recent people." The hardy people of New England of the present day are worthy of their ancestors. Still less, Mr. President, has it been my intention to say anything that could be construed into a want of respect for that party, who have been true to their principles in the worst of times; I mean the democracy of New England.

Sir, I will declare that, highly as I appreciate the democracy of the South, I consider even higher praise to be due to the democracy of New England, who have maintained their principles "through good and through evil report," who, at every period of our national history, have stood up manfully for "their country, their whole country, and nothing but

their country." In the great political revolution of '98, they were found united with the democracy of the South, marching under the banner of the Constitution, led on by the patriarch of liberty, in search of the land of political promise, which they lived not only to behold, but to possess and to enjoy. Again, sir, in the darkest and most gloomy period of the war, when our country stood single-handed against "the conqueror of the conquerors of the world," when all about and around them was dark and dreary, disastrous and discouraging, they stood, a Spartan band in that narrow pass, where the honor of their country was to be defended, or to find its grave. And in the last great struggle, involving, as we believe, the very existence of the principle of popular sovereignty, where were the democracy of New England? Where they always have been found, sir, struggling side by side, with their brethren of the South and the West, for popular rights, and assisting in that triumph, by which the man of the people was elevated to the highest office in their gift.

Who, then, Mr. President, are the true friends of the Union? Those who would confine the Federal government strictly within the limits prescribed by the Constitution; who would preserve to the States and the people, all powers not expressly delegated; who would make this a Federal, and not a national Union, and who, administering the government in a spirit of equal justice, would make it a blessing, and not a curse. And who are its enemies? Those who are in favor of consolidation; who are constantly stealing power from the States, and adding strength to the Federal government; who, assuming an unwarrantable jurisdiction over the States and the people, undertake to regulate the whole industry and capital of the country. But, sir, of all descriptions of men, I consider those as the worst enemies of the Union, who sacrifice the equal rights which belong to every member of the confederacy to combinations of

interested majorities, for personal or political objects. But the gentleman apprehends no evil from the dependence of the States on the Federal government; he can see no danger of corruption from the influence of money or of patronage. Sir, I know that it is supposed to be a wise saying that "patronage is a source of weakness;" and, in support of that maxim, it has been said that "every ten appointments make a hundred enemies." But I am rather inclined to think, with the eloquent and sagacious orator now reposing on his laurels on the banks of the Roanoke, that "the power of conferring favors creates a crowd of dependents;" he gave a forcible illustration of the truth of the remark, when he told us of the effect of holding up the savory morsel to the eager eyes of the hungry hounds gathered around his door. It mattered not whether the gift was bestowed on Towzer or Sweetlips, "Tray, Blanche, or Sweetheart;" while held in suspense, they were governed by a nod, and when the morsel was bestowed, expectation of favors of to-morrow kept up the subjection of to-day.

The Senator from Massachusetts, in denouncing what he is pleased to call the Carolina doctrine, has attempted to throw ridicule upon the idea that a State has any constitutional remedy, by the exercise of its sovereign authority, against "a gross, palpable, and deliberate violation of the Constitution." He calls it "an idle" or "a ridiculous notion," or something to that effect, and added, that it would make the Union a "mere rope of sand." Now, sir, as the gentleman has not condescended to enter into any examination of the question, and has been satisfied with throwing the weight of his authority into the scale, I do not deem it necessary to do more than to throw into the opposite scale the authority on which South Carolina relies; and there, for the present, I am perfectly willing to leave the controversy. The South Carolina doctrine, that is to say, the doctrine contained in an exposition reported by a committee of the

Legislature in December, 1828, and published by their authority, is the good old Republican doctrine of '98—the doctrine of the celebrated "Virginia Resolutions" of that year, and of "Madison's Report" of '99. It will be recollected that the Legislature of Virginia, in December, '98, took into consideration the alien and sedition laws, then considered by all Republicans as a gross violation of the Constitution of the United States, and on that day passed, among others, the following resolutions,—

"The General Assembly doth explicitly and peremptorily declare, that it views the powers of the Federal government, as resulting from the compact to which the States are parties, as limited by the plain sense and intention of the instrument constituting the compact, as no further valid than they are authorized by the grants enumerated in that compact; and that, in case of a deliberate, palpable, and dangerous exercise of other powers not granted by the said compact, the States who are parties thereto have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, authorities, rights, and liberties belonging to them."

In addition to the above resolution, the General Assembly of Virginia "appealed to the other States, in the confidence that they would concur with that commonwealth, that the acts aforesaid [the alien and sedition laws] are unconstitutional, and that the necessary and proper measures would be taken by each for co-operating with Virginia in maintaining, unimpaired, the authorities, rights, and liberties reserved to the States respectively, or to the people."

The legislatures of several of the New England States having, contrary to the expectation of the legislature of Virginia, expressed their dissent from these doctrines, the subject came up again for consideration during the session of 1799, 1800, when it was referred to a select

committee, by whom was made that celebrated report which is familiarly known as "Madison's Report," and which deserves to last as long as the Constitution itself. In that report, which was subsequently adopted by the legislature, the whole subject was deliberately re-examined, and the objections urged against the Virginia doctrines carefully considered. The result was, that the legislature of Virginia reaffirmed all the principles laid down in the resolutions of 1798, and issued to the world that admirable report, which has stamped the character of Mr. Madison as the preserver of that Constitution which he had contributed so largely to create and establish. I will here quote from Mr. Madison's report one or two passages which bear more immediately on the point in controversy. "The resolutions, having taken this view of the Federal compact, proceed to infer 'that, in case of a deliberate, palpable, and dangerous exercise of other powers, the States who are parties thereto have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties appertaining to them.'"

"It appears to your committee to be a plain principle, founded in common sense, illustrated by common practice, and essential to the nature of compacts, that, where resort can be had to no tribunal superior to the authority of the parties, the parties themselves must be the rightful judges in the last resort, whether the bargain made has been pursued or violated. The Constitution of the United States was formed by the sanction of the States, given by each in its sovereign capacity. It adds to the stability and dignity, as well as to the authority, of the Constitution, that it rests upon this legitimate and solid foundation. The States, then, being the parties to the constitutional compact, and in their sovereign capacity, it follows of necessity, that there can be no tribunal above their authority, to decide, in the last resort, whether

the compact made by them be violated, and consequently that, as the parties to it, they must decide, in the last resort, such questions as may be of sufficient magnitude to require their interposition."

"The resolution has guarded against any misapprehension of its object, by expressly requiring for such an interposition 'the case of a deliberate, palpable, and dangerous breach of the Constitution, by the exercise of powers not granted by it.' It must be a case, not of a light and transient nature, but of a nature dangerous to the great purposes for which the Constitution was established.

"But the resolution has done more than guard against misconstructions, by expressly referring to cases of a deliberate, palpable, and dangerous nature. It specifies the object of the interposition, which it contemplates to be solely that of arresting the progress of the evil of usurpation, and of maintaining the authorities, rights, and liberties appertaining to the States, as parties to the Constitution.

"From this view of the resolution, it would seem inconceivable that it can incur any just disapprobation from those who, laying aside all momentary impressions, and recollecting the genuine source and object of the Federal Constitution, shall candidly and accurately interpret the meaning of the General Assembly. If the deliberate exercise of dangerous powers, palpably withheld by the Constitution, could not justify the parties to it in interposing, even so far as to arrest the progress of the evil, and thereby to preserve the Constitution itself, as well as to provide for the safety of the parties to it, there would be an end to all relief from usurped power, and a direct subversion of the rights specified or recognized under all the State Constitutions, as well as a plain denial of the fundamental principles on which our independence itself was declared."

But, sir, our authorities do not stop here. The State of Kentucky responded to Virginia, and

on the 10th of November, 1798, adopted those celebrated resolutions, well known to have been penned by the author of the Declaration of American Independence. In those resolutions the legislature of Kentucky declares, "that the government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among parties having no common judge, each party has an equal right to judge, for itself, as well of intractions, as of the mode and measure of redress."

At the ensuing session of the legislature the subject was re-examined, and, on the 14th of November, 1799, the resolutions of the preceding year were deliberately reaffirmed, and it was, among other things, solemnly declared,—

"That, if those who administer the general government be permitted to transgress the limits fixed by that compact, by a total disregard of the special delegations of power therein contained, an annihilation of the State governments, and the erection upon their ruins of a general consolidated government, will be the inevitable consequence. That the principles of construction contended for by sundry of the State legislatures, that the general government is the exclusive judge of the extent of the powers delegated to it, stop nothing short of despotism; since the discretion of those who administer the government, and not the Constitution, would be the measure of their powers. That the several States who formed that instrument, being sovereign and independent, have the unquestionable right to judge of its infraction, and that a nullification, by those sovereignties, of all unauthorized acts done under color of that instrument, is the rightful remedy."

Time and experience confirmed Mr. Jefferson's opinion on this all-important point. In the year 1821, he expressed himself in this emphatic

manner: "It is a fatal heresy to suppose that either our State governments are superior to the Federal, or the Federal to the State; neither is authorized literally to decide which belongs to itself, or its co-partner in government; in differences of opinion, between their different sets of public servants, the appeal is to neither, but to their employers, peaceably assembled by their representatives in convention." The opinions of Mr. Jefferson on this subject have been so repeatedly and so solemnly expressed, that they may be said to have been the most fixed and settled convictions of his mind.

In the protest prepared by him for the legislature of Virginia, in December, 1825, in respect to the powers exercised by the Federal government in relation to the tariff and internal improvements, which he declared to be "usurpations of the powers retained by the States, mere interpolations into the compact, and direct infractions of it," he solemnly reasserts all the principles of the Virginia Resolutions of '98, protests against "these acts of the Federal branch of the government as null and void, and declares that, although Virginia would consider a dissolution of the Union as among the greatest calamities that could befall them, yet it is not the greatest. There is one yet greater—submission to a government of unlimited powers. It is only when the hope of this shall become absolutely desperate, that further forbearance could not be indulged."

In his letter to Mr. Giles, written about the same time, he says,—

"I see as you do, and with the deepest affliction, the rapid strides with which the Federal branch of our government is advancing toward the usurpation of all the rights reserved to the States, and the consolidation in itself of all powers, foreign and domestic, and that, too, by constructions which leave no limits to their powers, etc. Under the power to regulate commerce, they assume, indefinitely, that also over agriculture and manufactures, etc. Under the

authority to establish post roads, they claim that of cutting down mountains for the construction of roads, and digging canals, etc. And what is our resource for the preservation of the Constitution? Reason and argument? You might as well reason and argue with the marble columns encircling them, etc. Are we then to stand to our arms with the hot-headed Georgian? No; [and I say no, and South Carolina has said no;] that must be the last resource. We must have patience and long endurance with our brethren, etc., and separate from our companions only when the sole alternatives left are a dissolution of our Union with them, or submission. Between these two evils, when we must make a choice, there can be no hesitation."

Such, sir, are the high and imposing authorities in support of "The Carolina Doctrine," which is, in fact, the doctrine of the Virginia Resolutions of 1798.

Sir, at that day the whole country was divided on this very question. It formed the line of demarcation between the Federal and Republican parties; and the great political revolution, which then took place, turned upon the very questions involved in these resolutions. That question was decided by the people, and by that decision the Constitution was, in the emphatic language of Mr. Jefferson, "saved at its last gasp." I should suppose, sir, it would require more self-respect than any gentleman here would be willing to assume, to treat lightly doctrines derived from such high sources. Resting on authority like this, I will ask gentlemen whether South Carolina has not manifested a high regard for the Union, when, under a tyranny ten times more grievous than the alien and sedition laws, she has hitherto gone no further than to petition, remonstrate, and to solemnly protest against a series of measures which she believes to be wholly unconstitutional, and utterly destructive of her interests. Sir, South Carolina has not gone one step further than Mr. Jefferson himself was disposed to go,

in relation to the present subject of our present complaints—not a step further than the statesmen from New England were disposed to go, under similar circumstances; no further than the Senator from Massachusetts himself once considered as within “the limits of a constitutional opposition.” The doctrine that it is the right of a State to judge of the violations of the Constitution on the part of the Federal government, and to protect her citizens from the operations of unconstitutional laws, was held by the enlightened citizens of Boston, who assembled in Faneuil Hall, on the 25th of January, 1809. They state, in that celebrated memorial, that “they looked only to the State Legislature, who were competent to devise relief against the unconstitutional acts of the general government. That your power (say they) is adequate to that object, is evident from the organization of the confederacy.”

A distinguished Senator from one of the New England States (Mr. Hillhouse), in a speech delivered here, on a bill for enforcing the embargo, declared, “I feel myself bound in conscience to declare (lest the blood of those who shall fall in the execution of this measure shall be on my head) that I consider this to be an act which directs a mortal blow at the liberties of my country—an act containing unconstitutional provisions, to which the people are not bound to submit, and to which, in my opinion, they will not submit.”

And the Senator from Massachusetts himself, in a speech delivered on the same subject in the other House, said, “This opposition is constitutional and legal; it is also conscientious. It rests on settled and sober conviction, that such policy is destructive to the interests of the people, and dangerous to the being of government. The experience of every day confirms these sentiments. Men who act from such motives are not to be discouraged by trifling obstacles, nor awed by any dangers. They know the limit of constitutional opposition; up to that

limit, at their own discretion, they will walk, and walk fearlessly.” How “the being of the government” was to be endangered by “constitutional opposition” to the embargo, I leave to the gentleman to explain.

Thus it will be seen, Mr. President, that the South Carolina doctrine is the Republican doctrine of '98—that it was promulgated by the fathers of the faith—that it was maintained by Virginia and Kentucky in the worst of times—that it constituted the very pivot on which the political Revolution of that day turned—that it embraces the very principles, the triumph of which, at that time, saved the Constitution at its last gasp, and which New England statesmen were not unwilling to adopt, when they believed themselves to be the victims of unconstitutional legislation. Sir, as to the doctrine that the Federal government is the exclusive judge of the extent as well as the limitations of its powers, it seems to me to be utterly subversive of the sovereignty and independence of the States. It makes but little difference, in my estimation, whether Congress or the Supreme Court are invested with this power. If the Federal government, in all, or any, of its departments, is to prescribe the limits of its own authority, and the States are bound to submit to the decision, and are not to be allowed to examine and decide for themselves when the barriers of the Constitution shall be overleaped, this is practically “a government without limitation of powers.” The States are at once reduced to mere petty corporations, and the people are entirely at your mercy. I have but one word more to add. In all the efforts that have been made by South Carolina to resist the unconstitutional laws which Congress has extended over them, she has kept steadily in view the preservation of the Union, by the only means by which she believes it can be long preserved—a firm, manly, and steady resistance against usurpation. The measures of the Federal government have, it is true, prostrated her

interests, and will soon involve the whole South in irretrievable ruin. But even this evil, great as it is, is not the chief ground of our complaints. It is the principle involved in the contest—a principle which, substituting the discretion of Congress for the limitations of the Constitution, brings the States and the people to the feet of the Federal government, and leaves them nothing they can call their own. Sir, if the measures of the Federal government were less oppressive, we should still strive against this usurpation. The South is acting on a principle she has always held sacred—resistance to unauthorized taxation. These, sir, are the principles which induced the immortal Hampden to

resist the payment of a tax of twenty shillings. Would twenty shillings have ruined his fortune? No! but the payment of half twenty shillings, on the principle on which it was demanded, would have made him a slave. Sir, if, acting on these high motives—if, animated by that ardent love of liberty which has always been the most prominent trait in the Southern character, we should be hurried beyond the bounds of a cold and calculating prudence, who is there, with one noble and generous sentiment in his bosom, that would not be disposed, in the language of Burke, to exclaim, "You must pardon something to the spirit of liberty"?





## DANIEL WEBSTER.

**D**ANIEL WEBSTER, one of the greatest of American statesmen, was born at Salisbury (now Franklin), New Hampshire, January 18, 1782. His early educational advantages were quite limited; he was, nevertheless, an industrious and thoughtful student. In 1797 he spent a few months at Phillips Exeter Academy, and completed his preparation for college under the instruction of Rev. Samuel Wood, of Boscawen. He entered Dartmouth College in the latter part of 1797, taking high rank in his classes for scholarship. His means were limited, and he was obliged to contribute largely to his support by teaching. In 1801 he graduated with honor, and at once began the study of law, first in Salisbury, but soon removing to Fryeburg, Maine, where he took charge of the Academy, and continued his law studies. He finished his studies in the office of Christopher Gore, of Boston, and was admitted to the bar in 1805. He began practicing his profession in Boscawen, New Hampshire, but removed to Portsmouth in 1807.

A man of his rare abilities could not long remain in an inferior position, so we find him advancing rapidly to a front rank in his profession, even among men already established and eminent, and early being recognized as a political leader. In 1812 he was elected to represent his district in Congress, and re-elected in 1814. There, as everywhere else, the metal of the man was soon shown, and he took a prominent part in the discussion of the weighty matters before Congress during those years.

He removed from Portsmouth to Boston in 1817, and continued the study and practice of his chosen profession with marked success, and in 1822 was again sent to Congress, and successively re-elected until 1827, when he was chosen a United States Senator by the Legislature of Massachusetts. He remained in the Senate until 1841. These were years when it was worth while being in that body. A period of great importance—it might almost be called an epoch—in the nation's history had been reached. Questions of vast importance were to be discussed and set-



DANIEL WEBSTER.

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any rate, it is enough that he disclaims it. But still, with or without the use of that particular word, he had yet something *here*, he said, of which he wished to rid himself by an immediate reply. In this respect, sir, I have a great advantage over the honorable gentleman. There is nothing *here*, sir, which gives me the slightest uneasiness; neither fear, nor anger, nor that which is sometimes more troublesome than either, the consciousness of having been in the wrong. There is nothing either originating *here*, or now received here, by the gentleman's shot. Nothing original, for I had not the slightest feeling of disrespect or unkindness toward the honorable member. Some passages, it is true, had occurred, since our acquaintance in this body, which I could have wished might have been otherwise; but I had used philosophy, and forgotten them. When the honorable member rose, in his first speech, I paid him the respect of attentive listening; and when he sat down, though surprised, and I must say even astonished, at some of his opinions, nothing was farther from my intention than to commence any personal warfare; and through the whole of the few remarks I made in answer, I avoided, studiously and carefully, everything which I thought possible to be construed into disrespect. And, sir, while there is thus nothing originating *here*, which I wished at any time, or now wish to discharge, I must repeat, also, that nothing has been received *here* which *rankles*, or in any way gives me annoyance. I will not accuse the honorable member of violating the rules of civilized war—I will not say that he poisoned his arrows. But, whether his shafts were, or were not, dipped in that which would have caused rankling if they had reached, there was not, as it happened, quite strength enough in the bow to bring them to their mark. If he wishes now to find those shafts, he must look for them elsewhere; they will not be found fixed and quivering in the object at which they were aimed.

The honorable member complained that I had slept on his speech. I must have slept on it, or not slept at all. The moment the honorable member sat down, his friend from Missouri arose, and, with much honeyed commendation of the speech, suggested that the impressions which it had produced were too charming and delightful to be disturbed by other sentiments or other sounds, and proposed that the Senate should adjourn. Would it have been quite amiable in me, sir, to interrupt this excellent good feeling? Must I not have been absolutely malicious, if I could have thrust myself forward to destroy sensations thus pleasing? Was it not much better and kinder, both to sleep upon them myself, and to allow others, also, the pleasure of sleeping upon them? But if it be meant, by sleeping upon his speech, that I took time to prepare a reply to it, it is quite a mistake; owing to other engagements, I could not employ even the interval between the adjournment of the Senate and its meeting next morning, in attention to the subject of this debate. Nevertheless, sir, the mere matter of fact is undoubtedly true—I did sleep on the gentleman's speech, and slept soundly. And I slept equally well on his speech of yesterday, to which I am now replying. It is quite possible that, in this respect, also, I possess some advantage over the honorable member, attributable, doubtless, to a cooler temperament on my part; for, in truth, I slept upon his speeches remarkably well. But the gentleman inquires why he was made the object of such a reply. Why was he singled out? If an attack had been made on the East, he, he assures us, did not begin it—it was the gentleman from Missouri. Sir, I answered the gentleman's speech, because I happened to hear it; and because, also, I chose to give an answer to that speech, which, if unanswered, I thought most likely to produce injurious impressions. I did not stop to inquire who was the original drawer of the bill. I found a responsible indorser be-

fore me, and it was my purpose to hold him liable, and to bring him to his just responsibility without delay. But, sir, this interrogatory of the honorable member was only introductory to another. He proceeded to ask me whether I had turned upon him in this debate from the consciousness that I should find an overmatch, if I ventured on a contest with his friend from Missouri. If, sir, the honorable member, *ex gratia modestie*, had chosen thus to defer to his friend, and to pay him a compliment, without intentional disparagement to others, it would have been quite according to the friendly courtesies of debate, and not at all ungrateful to my own feelings. I am not one of those, sir, who esteem any tribute of regard, whether light and occasional, or more serious and deliberate, which may be bestowed on others, as so much unjustly withholden from themselves. But the tone and manner of the gentleman's question forbid me thus to interpret it. I am not at liberty to consider it as nothing more than a civility to his friend. It had an air of taunt and disparagement, a little of the loftiness of asserted superiority, which does not allow me to pass it over without notice. It was put as a question for me to answer, and so put as if it were difficult for me to answer, whether I deemed the member from Missouri an overmatch for myself in debate here. It seems to me, sir, that is extraordinary language, and an extraordinary tone for the discussions of this body.

Matches and overmatches! Those terms are more applicable elsewhere than here, and fitter for other assemblies than this. Sir, the gentleman seems to forget where and what we are. This is a Senate; a Senate of equals; of men of individual honor and personal character, and of absolute independence. We know no masters; we acknowledge no dictators. This is a hall of mutual consultation and discussion, not an arena for the exhibition of champions. I offer myself, sir, as a match for no man; I

throw the challenge of debate at no man's feet.

But then, sir, since the honorable member has put the question in a manner that calls for an answer, I will give him an answer; and I tell him that, holding myself to be the humblest of the members here, I yet know nothing in the arm of his friend from Missouri, either alone or when aided by the arm of his friend from South Carolina, that need deter, even me, from espousing whatever opinions I may choose to espouse, from debating whenever I may choose to debate, or from speaking whatever I may see fit to say on the floor of the Senate. Sir, when uttered as matter of commendation or compliment, I should dissent from nothing which the honorable member might say of his friend. Still less do I put forth any pretensions of my own. But, when put to me as a matter of taunt, I throw it back, and say to the gentleman that he could possibly say nothing less likely than such a comparison to wound my pride of personal character. The anger of its tone rescued the remark from intentional irony, which otherwise, probably, would have been its general acceptance. But, sir, if it be imagined that by this mutual quotation and commendation; if it be supposed that, by casting the characters of the drama, assigning to each his part,—to one the attack, to another the cry of onset,—or, if it be thought that by a loud and empty vaunt of anticipated victory, any laurels are to be won here; if it be imagined, especially, that any or all these things will shake any purpose of mine, I can tell the honorable member, once for all, that he is greatly mistaken, and that he is dealing with one of whose temper and character he has yet much to learn. Sir, I shall not allow myself, on this occasion—I hope on no occasion—to be betrayed into any loss of temper; but, if provoked, as I trust I never shall allow myself to be, into crimination and recrimination, the honorable member may, perhaps, find that in that contest there will be blows to take as well

as blows to give; that others can state comparisons as significant, at least, as his own; and that his impugntiy may, perhaps, demand of him whatever powers of taunt and sarcasm he may possess. I commend him to a prudent husbandry of his resources.

But, sir, the coalition! The coalition! Aye, "the murdered coalition!" The gentleman asks if I were led or frightened into this debate by the specter of the coalition. "Was it the ghost of the murdered coalition," he exclaims, "which haunted the member from Massachusetts, and which, like the ghost of Banquo, would never down?" "The murdered coalition!" Sir, this charge of a coalition, in reference to the late administration, is not original with the honorable member. It did not spring up in the Senate. Whether as a fact, as an argument, or as an embellishment, it is all borrowed. He adopts it, indeed, from a very low origin, and a still lower present condition. It is one of the thousand calumnies with which the press teemed during an excited political canvass. It was a charge of which there was not only no proof or probability, but which was, in itself, wholly impossible to be true. No man of common information ever believed a syllable of it. Yet it was of that class of falsehoods which, by continued repetition through all the organs of detraction and abuse, are capable of misleading those who are already far misled, and of further fanning passion already kindling into flame. Doubtless it served its day, and, in a greater or less degree, the end designed by it. Having done that, it has sunk into the general mass of stale and loathed calumnies. It is the very cast-off slough of a polluted and shameless press. Incapable of further mischief, it lies in the sewer, lifeless and despised. It is not now, sir, in the power of the honorable member to give it dignity or decency, by attempting to elevate it, and to introduce it into the Senate. He cannot change it from what it is—an object of general disgust

and scorn. On the contrary, the contact, if he choose to touch it, is more likely to drag him down, down, to the place where it lies itself.

But, sir, the honorable member was not, for other reasons, entirely happy in his allusion to the story of Banquo's murder and Banquo's ghost. It was not, I think, the friends, but the enemies of the murdered Banquo, at whose bidding his spirit would not down. The honorable gentleman is fresh in his reading of the English classics, and can put me right if I am wrong; but, according to my poor recollection, it was at those who had begun with caresses, and ended with foul and treacherous murder, that the gory locks were shaken. The ghost of Banquo, like that of Hamlet, was an honest ghost. It disturbed no innocent man. It knew where its appearance would strike terror, and who would cry out, A ghost! It made itself visible in the right quarter, and compelled the guilty, and the conscience-smitten, and none others, to start, with,

Prithee, see there! behold! —look! lo!  
If I stand here, I saw him!"

Their eyeballs were scared—was it not so, sir?—who had thought to shield themselves by concealing their own hand, and laying the imputation of the crime on a low and hireling agency in wickedness; who had vainly attempted to stifle the workings of their own coward consciences, by circulating, through white lips and chattering teeth, "Thou canst not say I did it!" I have misread the great poet, if it was those who had no way partaken in the deed of the death, who either found that they were, *or feared that they should be*, pushed from their stools by the ghost of the slain, or who cried out to a specter created by their own fears, and their own remorse, "Avaunt! and quit our sight!"

There is another particular, sir, in which the honorable member's quick perception of resemblances might, I should think, have seen

something in the story of Banquo, making it not altogether a subject of the most pleasant contemplation. Those who murdered Banquo, what did they win by it? Substantial good? Permanent power? Or disappointment, rather, and sore mortification—dust and ashes—the common fate of vaulting ambition overleaping itself? Did not even-handed justice, ere long, commend the poisoned chalice to their own lips? Did they not soon find that for another they had “filled their mind?” that their ambition, though apparently for the moment successful, had but put a barren scepter in their grasp? Aye, sir,—

*“A barren sceptre in their gripe,  
Thence to be wrenched by an unlineal hand,  
No son of theirs succeeding.”*

Sir, I need pursue the allusion no further. I leave the honorable gentleman to run it out at his leisure, and to derive from it all the gratification it is calculated to administer. If he finds himself pleased with the associations, and prepared to be quite satisfied, though the parallel should be entirely completed, I had almost said I am satisfied, also—but that I shall think of. Yes, sir, I will think of that.

In the course of my observations the other day, Mr. President, I paid a passing tribute of respect to a very worthy man, Mr. Dane, of Massachusetts. It so happened that he drew the ordinance of 1787 for the government of the Northwestern Territory. A man of so much ability, and so little pretence; of so great a capacity to do good, and so unmix'd a disposition to do it for its own sake; a gentleman who acted an important part, forty years ago, in a measure, the influence of which is still deeply felt in the very matter which was the subject of debate, might, I thought, receive from me a commendatory recognition.

But the honorable gentleman was inclined to be facetious on the subject. He was rather disposed to make it a matter of ridicule that I had introduced into the debate the name of one

Nathan Dane, of whom he assures us he had never before heard. Sir, if the honorable member had never before heard of Mr. Dane, I am sorry for it. It shows him less acquainted with the public men of the country than I had supposed. Let me tell him, however, that a sneer from him at the mention of the name of Mr. Dane, is in bad taste. It may well be a high-mark of ambition, sir, either with the honorable gentleman or myself, to accomplish as much to make our names known to advantage, and remembered with gratitude, as Mr. Dane has accomplished. But the truth is, sir, I suspect that Mr. Dane lives a little too far North. He is of Massachusetts, and too near the north star to be reached by the honorable gentleman's telescope. If his sphere had happened to range south of Mason and Dixon's line, he might, probably, have come within the scope of his vision!

I spoke, sir, of the ordinance of 1787, which prohibited slavery, in all future times, northwest of the Ohio, as a measure of great wisdom and foresight, and one which had been attended with highly beneficial and permanent consequences. I suppose that on this point no two gentlemen in the Senate could entertain different opinions. But the simple expression of this sentiment has led the gentleman, not only into a labored defence of slavery in the abstract, and on principle, but also into a warm accusation against me, as having attacked the system of slavery now existing in the Southern States. For all this there was not the slightest foundation in anything said or intimated by me. I did not utter a single word which any ingenuity could torture into an attack on the slavery of the South. I said only that it was highly wise and useful in legislating for the Northwestern country, while it was yet a wilderness, to prohibit the introduction of slaves; and added, that I presumed, in the neighboring State of Kentucky, there was no reflecting and intelligent gentleman who would doubt that, if the same prohibition had

been extended, at the same early period, over that commonwealth, her strength and population would, at this day, have been far greater than they are. If these opinions be thought doubtful, they are, nevertheless, I trust, neither extraordinary nor disrespectful. They attack nobody, and menace nobody. And yet, sir, the gentleman's optics have discovered, even in the mere expression of this sentiment, what he calls the very spirit of the Missouri question! He represents me as making an attack on the whole South, and manifesting a spirit which would interfere with, and disturb their domestic condition. Sir, this injustice no otherwise surprises me than as it is done here, and done without the slightest pretence of ground for it. I say, it only surprises me as being done here; for I know full well that it is and has been the settled policy of some persons in the South, for years, to represent the people of the North as disposed to interfere with them in their own exclusive and peculiar concerns. This is a delicate and sensitive point in Southern feeling; and of late years it has always been touched, and generally with effect, whenever the object has been to unite the whole South against Northern men, or Northern measures. This feeling, always carefully kept alive, and maintained at too intense a heat to admit discrimination or reflection, is a lever of great power in our political machine. It moves vast bodies, and gives to them one and the same direction. But the feeling is without adequate cause, and the suspicion which exists, wholly groundless. There is not, and never has been, a disposition in the North to interfere with these interests of the South. Such interference has never been supposed to be within the power of the government, nor has it been in any way attempted. It has always been regarded as a matter of domestic policy, left with the States themselves, and with which the Federal government had nothing to do. Certainly, sir, I am, and ever have been, of that opinion. The gentleman, indeed, argues that

slavery in the abstract is no evil. Most assuredly I need not say I differ with him altogether, and most widely on that point. I regard domestic slavery as one of the greatest evils, both moral and political. But, though it be a malady, and whether it be curable, and if so, by what means; or, on the other hand, whether it be the *culnus immedicabile* of the social system, I leave it to those whose right and duty it is to inquire and to decide. And this, I believe, sir, is, and uniformly has been, the sentiment of the North. Let us look a little at the history of this matter.

When the present Constitution was submitted for the ratification of the people, there were those who imagined that the powers of the government which it proposed to establish might, perhaps, in some possible mode, be exerted in measures tending to the abolition of slavery. This suggestion would, of course, attract much attention in the Southern conventions. In that of Virginia, Governor Randolph said:—

“I hope there is none here, who, considering the subject in the calm light of philosophy, will make an objection dishonorable to Virginia—that, at the moment they are securing the rights of their citizens, an objection is started, that there is a spark of hope that those unfortunate men now held in bondage may, by the operation of the general government, be made free.”

At the very first Congress, petitions on the subject were presented, if I mistake not, from different States. The Pennsylvania Society for promoting the Abolition of Slavery took a lead, and laid before Congress a memorial, praying Congress to promote the abolition by such powers as it possessed. This memorial was referred, in the House of Representatives, to a select committee consisting of Mr. Foster, of New Hampshire, Mr. Gerry, of Massachusetts, Mr. Huntington, of Connecticut, Mr. Lawrence, of New York, Mr. Dickinson, of New Jersey, Mr. Hartley, of Pennsylvania, and Mr. Parker, of Virginia; all of them, sir, as you will observe, Northern men, but the last. This committee



made report, which was committed to a committee of the whole House, and there considered and discussed on several days; and, being amended, although in no material respect, it was made to express three distinct propositions on the subject of slavery and the slave trade. First, in the words of the Constitution, that Congress could not, prior to the year 1808, prohibit the migration or importation of such persons as any of the States then existing should think proper to admit. Second, that Congress had authority to restrain the citizens of the United States from carrying on the African slave trade for the purpose of supplying foreign countries. On this proposition our early laws against those who engage in that traffic are founded. The third proposition, and that which bears on the present question, was expressed in the following terms:—

*“Resolved, That Congress have no authority to interfere in the emancipation of slaves, or of the treatment of them in any of the States; it remaining with the several States alone to provide rules and regulations therein, which humanity and true policy may require.”*

This resolution received the sanction of the House of Representatives as early as March, 1790. And, now, sir, the honorable member will allow me to remind him, that not only were the select committee who reported the resolution, with a single exception, all Northern men, but, also, that of the members then composing the House of Representatives, a large majority, I believe nearly two-thirds, were Northern men also.

The House agreed to insert these resolutions in its Journal; and, from that day to this, it has never been maintained or contended that Congress had any authority to regulate or interfere with the condition of slaves in the several States. No Northern gentleman, to my knowledge, has moved any such question in either house of Congress.

The fears of the South, whatever fears they

might have entertained, were allayed and quieted by this early decision; and so remained, till they were excited afresh, without cause, but for collateral and indirect purposes. When it became necessary, or was thought so, by some political persons, to find an unvarying ground for the exclusion of Northern men from confidence, and from lead in the affairs of the republic, then, and not till then, the cry was raised, and the feeling industriously excited, that the influence of Northern men in the public councils would endanger the relation of master and slave. For myself, I claim no other merit, than that this gross and enormous injustice toward the whole North has not wrought upon me to change my opinions, or my political conduct. I hope I am above violating my principles, even under the smart of injury and false imputations. Unjust suspicions and undeserved reproach, whatever pain I may experience from them, will not induce me, I trust, nevertheless, to overstep the limits of constitutional duty, or to encroach on the rights of others. The domestic slavery of the South I leave where I find it—in the hands of their own governments. It is their affair, not mine. Nor do I complain of the peculiar effect which the magnitude of that population has had in the distribution of power under this Federal government. We know, sir, that the representation of the States in the other House is not equal. We know that great advantage, in that respect, is enjoyed by the slaveholding States; and we know, too, that the intended equivalent for that advantage—that is to say, the imposition of direct taxes in the same ratio—has become merely nominal; the habit of the government being almost invariably to collect its revenues from other sources, and in other modes. Nevertheless, I do not complain; nor would I countenance any movement to alter this arrangement of representation. It is the original bargain, the compact—let it stand; let the advantage of it be fully enjoyed. The Union itself is too full of

benefit to be hazarded in propositions for changing its original basis. I go for the Constitution as it is, and for the Union as it is. But I am resolved not to submit, in silence, to accusations, either against myself individually, or against the North, wholly unfounded and unjust—accusations which impute to us a disposition to evade the constitutional compact, and to extend the power of the government over the internal laws and domestic condition of the States. All such accusations, wherever and whenever made, all insinuations of the existence of any such purposes, I know and feel to be groundless and injurious. And we must confide in Southern gentlemen themselves; we must trust to those whose integrity of heart and magnanimity of feeling will lead them to a desire to maintain and disseminate truth, and who possess the means of its diffusion with the Southern public; we must leave it to them to disabuse that public of its prejudices. But, in the meantime, for my own part, I shall continue to act justly, whether those toward whom justice is exercised receive it with candor, or with contumely.

Having had occasion to recur to the ordinance of 1787, in order to defend myself against the inferences which the honorable member has chosen to draw from my former observations on that subject, I am not willing now entirely to take leave of it without another remark. It need hardly be said that that paper expresses just sentiments on the great subject of civil and religious liberty. Such sentiments were common, and abound in all our State papers of that day. But this ordinance did that which was not so common, and which is not, even now, universal; that is, it set forth and declared, *as a high and binding duty of government itself*, to encourage schools, and advance the means of education; for the plain reason that religion, morality and knowledge are necessary to good government, and to the happiness of mankind. One observation further. The important pro-

vision incorporated into the Constitution of the United States, and several of those of the States, and, recently, as we have seen, adopted into the reformed Constitution of Virginia, restraining legislative power, in questions of private right, and from impairing the obligation of contracts, is first introduced and established, as far as I am informed, as matter of express written constitutional law, in this ordinance of 1787. And I must add, also, in regard to the author of the ordinance, who has not had the happiness to attract the gentleman's notice heretofore, nor to avoid his sarcasm now, that he was chairman of that select committee of the old Congress, whose report first expressed the strong sense of that body, that the old Confederation was not adequate to the exigencies of the country, and recommending to the States to send delegates to the convention which formed the present Constitution.

An attempt has been made to transfer from the North to the South the honor of this exclusion of slavery from the Northwestern territory. The Journal, without argument or comment, refutes such attempt. The session of Virginia was made March, 1784. On the 19th of April following, a committee, consisting of Messrs. Jefferson, Chase, and Howell, reported a plan for a temporary government of a territory, in which was this article: "That after the year 1800, there should be neither slavery nor involuntary servitude in any of the said States, otherwise than in punishment of crimes, whereof the party shall have been convicted." Mr. Speight, of North Carolina, moved to strike out this paragraph. The question was put according to the form then practiced: "Shall these words stand, as part of the plan?" etc. New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania—seven States—voted in the affirmative; Maryland, Virginia, and South Carolina in the negative. North Carolina was divided. As the consent of nine States was

necessary, the words could not stand, and were struck out accordingly. Mr. Jefferson voted for the clause, but was overruled by his colleagues.

In March of the next year (1785), Mr. King, of Massachusetts, seconded by Mr. Ellery, of Rhode Island, proposed the formerly rejected article, with this addition: "*And that this regulation shall be an article of compact, and remain a fundamental principle of the Constitution between the thirteen original States, and each of the States described in the resolve,*" etc. On this clause, which provided the adequate and thorough security, the eight Northern States, at that time, voted affirmatively, and the four Southern States negatively. The votes of nine States were not yet obtained, and thus the provision was again rejected by the Southern States. The perseverance of the North held out, and two years afterward the object was attained. It is no derogation from the credit, whatever that may be, of drawing the ordinance, that its principles had before been prepared and discussed, in the form of resolutions. If one should reason in that way, what would become of the distinguished honor of the author of the Declaration of Independence? There is not a sentiment in that paper which had not been voted and resolved in the assemblies, and other popular bodies in the country, over and over again.

But the honorable member has now found out that this gentleman, Mr. Dane, was a member of the Hartford Convention. However uninformed the honorable member may be of characters and occurrences at the North, it would seem that he has at his elbows, on this occasion, some high-minded and lofty spirit, some magnanimous and true-hearted monitor, possessing the means of local knowledge, and ready to supply the honorable member with everything, down even to forgotten and moth-eaten two-penny pamphlets, which may be used to the disadvantage of his own country. But, as to the Hartford Convention, sir, allow me to

say that the proceedings of that body seem now to be less read and studied in New England than farther South. They appear to be looked to, not in New England, but elsewhere, for the purpose of seeing how far they may serve as a precedent. But they will not answer the purpose—they are quite too tame. The latitude in which they originated was too cold. Other conventions, of more recent existence, have gone a whole bar's length beyond it. The learned doctors of Colleton and Abbeville have pushed their commentaries on the Hartford collect so far that the original text writers are thrown entirely into the shade. I have nothing to do, sir, with the Hartford Convention. Its Journal, which the gentleman has quoted, I never read. So far as the honorable member may discover in its proceedings a spirit in any degree resembling that which was avowed and justified in those other conventions to which I have alluded, or so far as those proceedings can be shown to be disloyal to the Constitution, or tending to disunion, so far I shall be as ready as any one to bestow on them reprehension and censure.

Having dwelt long on this convention, and other occurrences of that day, in the hope, probably (which will not be gratified), that I should leave the course of this debate to follow him at length in those excursions, the honorable member returned, and attempted another object. He referred to a speech of mine in the other House, the same which I had occasion to allude to myself the other day; and has quoted a passage or two from it, with a bold, though uneasy and laboring air of confidence, as if he had detected in me an inconsistency. Judging from the gentleman's manner, a stranger to the course of the debate, and to the point in discussion, would have imagined, from so triumphant a tone, that the honorable member was about to overwhelm me with a manifest contradiction. Any one who heard him, and who had not heard what I had, in fact, previously said,

must have thought me routed and discomfited, as the gentleman had promised. Sir, a breath blows all this triumph away. There is not the slightest difference in the sentiments of my remarks on the two occasions. What I said here on Wednesday is in exact accordance with the opinions expressed by me in the other House in 1825. Though the gentleman had the metaphysics of Hudibras—though he were able

"to sever and divide  
A hair 'twixt North and Northwest side,"

he could not yet insert his metaphysical scissors between the fair reading of my remarks in 1825, and what I said here last week. There is not only no contradiction, no difference, but, in truth, too exact a similarity, both in thought and language, to be entirely in just taste. I had myself quoted the same speech; had recurred to it, and spoke with it open before me; and much of what I said was little more than a repetition from it. In order to make finishing work with this alleged contradiction, permit me to recur to the origin of this debate, and review its course. This seems expedient, and may be done as well now as at any time.

Well, then, its history is this: The honorable member from Connecticut moved a resolution, which constituted the first branch of that which is now before us; that is to say, a resolution instructing the committee on public lands to inquire into the expediency of limiting, for a certain period, the sales of public lands to such as have heretofore been offered for sale; and whether sundry offices, connected with the sales of the lands, might not be abolished without detriment to the public service.

In the progress of the discussion which arose on this resolution, an honorable member from New Hampshire moved to amend the resolution, so as entirely to reverse its object; that is, to strike it all out, and insert a direction to the committee to inquire into the expediency of adopting measures to hasten the sales, and extend more rapidly the surveys of the lands.

The honorable member from Maine (Mr. Sprague) suggested that both these propositions might well enough go, for consideration, to the committee; and, in this state of the question, the member from South Carolina addressed the Senate in his first speech. He rose, he said, to give his own free thoughts on the public lands. I saw him rise, with pleasure, and listened with expectation, though before he concluded I was filled with surprise. Certainly, I was never more surprised than to find him following up, to the extent he did, the sentiments and opinions which the gentleman from Missouri had put forth, and which it is known he has long entertained.

I need not repeat, at large, the general topics of the honorable gentleman's speech. When he said, yesterday, that he did not attack the Eastern States, he certainly must have forgotten, not only particular remarks, but the whole drift and tenor of his speech; unless he means, by not attacking, that he did not commence hostilities, but that another had preceded him in the attack. He, in the first place, disapproved of the whole course of the government for forty years, in regard to its dispositions of the public land; and then, turning Northward and Eastward, and fancying he had found a cause for alleged narrowness and niggardliness in the "accursed policy" of the tariff, to which he represented the people of New England as wedded, he went on, for a full hour, with remarks, the whole scope of which was to exhibit the results of this policy, in feelings and in measures unfavorable to the West. I thought his opinions unfounded and erroneous, as to the general course of the government, and ventured to reply to them.

The gentleman had remarked on the analogy of other cases, and quoted the conduct of European governments toward their own subjects, settling on this continent, as in point, to show that we had been harsh and rigid in selling, when we should have given the public

lands to settlers. I thought the honorable member had suffered his judgment to be betrayed by a false analogy; that he was struck with an appearance of resemblance where there was no real similitude. I think so still. The first settlers of North America were enterprising spirits, engaging in private adventure, or fleeing from tyranny at home. When arrived here, they were forgotten by the mother country, or remembered only to be oppressed. Carried away again by the appearance of analogy, or struck with eloquence of the passage, the honorable member yesterday observed that the conduct of government toward the Western emigrants, or my representation of it, brought to his mind a celebrated speech in the British Parliament. It was, sir, the speech of Colonel Barre. On the question of the stamp act, or tea tax, I forget which, Colonel Barre had heard a member on the treasury bench argue that the people of the United States, being British colonists, planted by the maternal care, nourished by the indulgence and protected by the arms of England, would not grudge their mite to relieve the mother country from the heavy burden under which she groaned. The language of Colonel Barre, in reply to this, was, "They planted by your care? Your oppression planted them in America. They fled from your tyranny, and grew by your neglect of them. So soon as you began to care for them, you showed your care by sending persons to spy out their liberties, misrepresent their character, prey upon them, and eat out their substance."

And does this honorable gentleman mean to maintain that language like this is applicable to the conduct of the government of the United States toward the Western emigrants, or to any representation given by me of that conduct? Were the settlers in the West driven thither by our oppression? Have they flourished only by our neglect of them? Has the government done nothing but prey upon them, and eat out

their substance? Sir, this fervid eloquence of the British speaker, just when and where it was uttered, and fit to remain an exercise for the schools, is not a little out of place, when it was brought thence to be applied here to the conduct of our own country toward her own citizens. From America to England it may be true; from Americans to their own government, it would be strange language. Let us leave it to be recited and declaimed by our boys against a foreign nation; not introduce it here, to recite and declaim ourselves against our own.

But I come to the point of the alleged contradiction. In my remarks on Wednesday, I contended that we could not give away gratuitously all the public lands; that we held them in trust; that the government had solemnly pledged itself to dispose of them as a common fund for the common benefit, and to sell and settle them as its discretion should dictate. Now, sir, what contradiction does the gentleman find to this sentiment in the speech of 1825? He quotes me as having then said, that we ought not to hug these lands as a very great treasure. Very well, sir, supposing me to be accurately reported in that expression, what is the contradiction? I have not now said that we should hug these lands as a favorite source of pecuniary income. No such thing. It is not my view. What I have said, and what I do say, is, that they are a common fund—to be disposed of for the common benefit—to be sold at low prices, for the accommodation of settlers, keeping the object of settling the lands as much in view as that of raising money from them. This I say now, and this I have always said. Is this hugging them as a favorite treasure? Is there no difference between hugging and hoarding this fund, on the one hand, as a great treasure, and on the other of disposing of it at low prices, placing the proceeds in the general treasury of the Union? My opinion is, that as much is to be made of the land, as fair and reasonably may be, selling it all the while at

such rates as to give the fullest effect to settlement. This is not giving it all away to the States, as the gentleman would propose; nor is it hugging the fund closely and tenaciously, as a favorite treasure; but it is, in my judgment, a just and wise policy, perfectly according with all the various duties which rest on government. So much for my contradiction. And what is it? Where is the ground of the gentleman's triumph? What inconsistency, in word or doctrine, has he been able to detect? Sir, if this be a sample of that discomfiture with which the honorable gentleman threatened me, commend me to the word *discomfiture* for the rest of my life.

But, after all, this is not the point of the debate; and I must bring the gentleman back to that which is the point.

The real question between me and him is, Where has the doctrine been advanced, at the South or the East, that the population of the West should be retarded, or, at least, need not be hastened, on account of its effect to drain off the people from the Atlantic States? Is this doctrine, as has been alleged, of Eastern origin? That is the question. Has the gentleman found anything by which he can make good his accusation? I submit to the Senate that he has entirely failed; and, as far as this debate has shown, the only person who has advanced such sentiments is a gentleman from South Carolina, and a friend to the honorable member himself. This honorable gentleman has given no answer to this; there is none which can be given. This simple fact, while it requires no comment to enforce it, defies all argument to refute it. I could refer to the speeches of another Southern gentleman, in years before, of the same general character, and to the same effect, as that which has been quoted; but I will not consume the time of the Senate by the reading of them.

So then, sir, New England is guiltless of the policy of retarding Western population, and of

all envy and jealousy of the growth of the new States. Whatever there be of that policy in the country, no part of it is hers. If it has a local habitation, the honorable member has probably seen, by this time, where he is to look for it; and if it now has received a name, he himself has christened it.

We approach, at length, sir, to a more important part of the honorable gentleman's observations. Since it does not accord with my views of justice and policy, to vote away the public lands altogether, as mere matter of gratuity, I am asked, by the honorable gentleman, on what ground it is that I consent to give them away in particular instances. How, he inquires, do I reconcile with these professed sentiments my support of measures appropriating portions of the lands to particular roads, particular canals, particular rivers, and particular institutions of education in the West? This leads, sir, to the real and wide difference in political opinions between the honorable gentleman and myself. On my part, I look upon all these objects as connected with the common good, fairly embraced in its objects and its terms; he, on the contrary, deems them all, if good at all, only local good. This is our difference. The interrogatory which he proceeded to put, at once explains this difference. "What interest," asks he, "has South Carolina in a canal in Ohio?" Sir, this very question is full of significance. It develops the gentleman's whole political system; and its answer expounds mine. Here we differ *toto calo*. I look upon a road over the Alleghany, a canal round the falls of the Ohio, or a canal or railway from the Atlantic to the Western waters, as being objects large and extensive enough to be fairly said to be for the common benefit. The gentleman thinks otherwise, and this is the key to open his construction of the powers of the government. He may well ask, upon his system, What interest has South Carolina in a canal in Ohio? On that system, it is true, she has no

interest. On that system, Ohio and Carolina are different governments and different countries, connected here, it is true, by some slight and ill-defined bond of union, but in all main respects separate and diverse. On that system, Carolina has no more interest in a canal in Ohio than in Mexico. The gentleman, therefore, only follows out his own principles; he does no more than arrive at the natural conclusions of his own doctrines; he only announces the true results of that creed which he has adopted himself, and would persuade others to adopt, when he thus declares that South Carolina has no interest in a public work in Ohio. Sir, we narrow-minded people of New England do not reason thus. Our notion of things is entirely different. We look upon the States, not as separated, but as united. We love to dwell on that Union, and on the mutual happiness which it has so much promoted, and the common renown which it has so greatly contributed to acquire. In our contemplation, Carolina and Ohio are parts of the same country—States united under the same general government, having interests common, associated, intermingled. In whatever is within the proper sphere of the Constitutional power of this government, we look upon the States as one. We do not impose geographical limits to our patriotic feeling or regard; we do not follow rivers, and mountains, and lines of latitude, to find boundaries beyond which public improvements do not benefit us. We, who come here as agents and representatives of those narrow-minded and selfish men of New England, consider ourselves as bound to regard, with equal eye, the good of the whole, in whatever is within our power of legislation. Sir, if a railroad or canal, beginning in South Carolina, appeared to me to be of national importance and national magnitude, believing as I do that the power of government extends to the encouragement of works of that description, if I were to stand up here and ask, "What interest has Massachusetts in a

railroad in South Carolina?" I should not be willing to face my constituents. These same narrow-minded men would tell me that they had sent me to act for the whole country, and that one who possessed too little comprehension, either of intellect or feeling—one who was not large enough, in mind and heart, to embrace the whole—was not fit to be intrusted with the interest of any part. Sir, I do not desire to enlarge the powers of government by unjustifiable construction, nor to exercise any not within a fair interpretation. But, when it is believed that a power does exist, then it is, in my judgment, to be exercised for the general benefit of the whole; so far as respects the exercise of such a power, the States are one. It was the very great object of the Constitution to create unity of interests to the extent of the powers of the general government. In war and peace we are one; in commerce, one; because the authority of the general government reaches to war and peace, and to the regulation of commerce. I have never seen any more difficulty in erecting lighthouses on the lakes than on the ocean; in improving the harbors of inland seas, than if they were within the ebb and flow of the tide; or of removing obstructions in the vast streams of the West, more than in any work to facilitate commerce on the Atlantic coast. If there be power for one, there is power also for the other; and they are all and equally for the country.

There are other objects, apparently more local, or the benefit of which is less general, toward which, nevertheless, I have concurred with others to give aid by donations of land. It is proposed to construct a road in or through one of the new States in which the government possesses large quantities of land. Have the United States no right, as a great and untaxed proprietor—are they under no obligation—to contribute to an object thus calculated to promote the common good of all the proprietors themselves included? And, even with respect

to education, which is the extreme case, let the question be considered. In the first place, as we have seen, it was made matter of compact with these States that they should do their part to promote education. In the next place, our whole system of land laws proceeds on the idea that education is for the common good; because, in every division, a certain portion is uniformly reserved and appropriated for the use of schools. And, finally, have not these new States singularly strong claims, founded on the ground already stated, that the government is a great untaxed proprietor in the ownership of the soil? It is a consideration of great importance that probably there is in no part of the country, or of the world, so great a call for the means of education as in those new States, owing to the vast number of persons within those ages in which education and instruction are usually received, if received at all. This is the natural consequence of recency of settlement, and rapid increase. The census of these States shows how great a proportion of the whole population occupies the classes between infancy and childhood. These are the wide fields, and here is the deep and quick soil for the seeds of knowledge and virtue; and this is the favored season, the Spring-time for sowing them. Let them be disseminated without stint. Let them be scattered with a bountiful broadcast. Whatever the government can fairly do toward these objects, in my opinion, ought to be done.

These, sir, are the grounds, succinctly stated, on which my vote for grants of lands for particular objects rest, while I maintain, at the same time, that it is all a common fund, for the common benefit. And reasons like these, I presume, have influenced the votes of other gentlemen from New England. Those who have a different view of the powers of the government, of course, come to different conclusions on these as on other questions. I observed, when speaking on this subject before, that if we looked to any measure, whether for a road, a

canal, or anything else intended for the improvement of the West, it would be found that, if the New England *ayes* were struck out of the list of votes, the Southern *noes* would always have rejected the measure. The truth of this has not been denied, and cannot be denied. In stating this, I thought it just to ascribe it to the constitutional scruples of the South, rather than to any other less favorable or less charitable cause. But, no sooner had I done this, than the honorable gentleman asks if I reproach him and his friends with their constitutional scruples. Sir, I reproach nobody. I stated a fact, and gave the most respectful reason for it that occurred to me. The gentleman cannot deny the fact—he may, if he choose, disclaim the reason. It is not long since I had occasion, in presenting a petition from his own State, to account for its being intrusted to my hands by saying, that the constitutional opinions of the gentleman and his worthy colleague prevented them from supporting it. Sir, did I state this as a matter of reproach? Far from it. Did I attempt to find any other cause than an honest one for these scruples? Sir, I did not. It did not become me to doubt, nor to insinuate that the gentleman had either changed his sentiments, or that he had made up a set of constitutional opinions, accommodated to any particular combination of political occurrences. Had I done so, I should have felt that, while I was entitled to little respect in thus questioning other people's motives, I justified the whole world in suspecting my own.

But how has the gentleman returned this respect for others' opinions? His own candor and justice, how have they been exhibited toward the motives of others, while he has been at so much pains to maintain—what nobody has disputed—the purity of his own? Why, sir, he has asked *when*, and *how*, and *why*. New England votes were found going for measures favorable to the West; he has demanded to be informed whether all this did not begin in



1825, and while the election of President was still pending. Sir, to these questions, retort would be justified; and it is both cogent and at hand. Nevertheless, I will answer the inquiry, not by retort, but by facts. I will tell the gentleman *when*, and *how*, and *why*, New England has supported measures favorable to the West. I have already referred to the early history of the government—to the first acquisition of the lands—to the original laws for disposing of them, and for governing the territories where they lie; and have shown the influence of New England men and New England principles in all these leading measures. I should not be pardoned were I to go over that ground again. Coming to more recent times, and to measures of a less general character, I have endeavored to prove that everything of this kind designed for Western improvement has depended on the votes of New England. All this is true beyond the power of contradiction.

And now, sir, there are two measures to which I will refer, not so ancient as to belong to the early history of the public lands, and not so recent as to be on this side of the period when the gentleman charitably imagines a new direction may have been given to New England feeling, and New England votes. These measures, and the New England votes in support of them, may be taken as samples and specimens of all the rest. In 1820 (observe, Mr. President, in 1820) the people of the West besought Congress for a reduction in the price of lands. In favor of that reduction, New England, with a delegation of forty members in the other House, gave thirty-three votes, and only one against it. The four Southern States, with fifty members, gave thirty-two votes for it, and seven against it. Again, in 1821 (observe again, sir, the time), the law was passed for the relief of the purchasers of the public lands. This was a measure of vital importance to the West, and more especially to the Southwest. It authorized the relinquishment of contracts for lands,

which had been entered into at high prices, and a reduction, in other cases, of not less than 37½ per cent. on the purchase money. Many millions of dollars, six or seven, I believe, at least,—probably much more,—were relinquished by this law. On this bill, New England, with her forty members, gave more affirmative votes than the four Southern States with their fifty-two or three members. These two are far the most important measures respecting the public lands which have been adopted within the last twenty years. They took place in 1820 and 1821. That is the time when. And as to the manner how, the gentleman already sees that it was by voting, in solid column, for the required relief; and, lastly, as to the cause why, I tell the gentleman, it was because the members from New England thought the measures just and salutary; because they entertained toward the West neither envy, hatred, nor malice; because they deemed it becoming them, as just and enlightened public men, to meet the exigency which had arisen in the West with the appropriate measure of relief; because they felt it due to their own characters, and their New England predecessors in this government, to act toward the new States in the spirit of a liberal, patronizing, magnanimous policy. So much, sir, for the cause *why*; and I hope that by this time, sir, the honorable gentleman is satisfied; if not, I do not know *when*, or *how*, or *why*, he ever will be.

Having recurred to these two important measures, in answer to the gentleman's inquiries, I must now beg permission to go back to a period still something earlier, for the purpose still further of showing how much, or rather how little, reason there is for the gentleman's insinuation that political hopes, or fears, or party associations, were the grounds of these New England votes. And, after what has been said, I hope it may be forgiven me if I allude to some political opinions and votes of my own, of very little public importance, certainly, but

which, from the time at which they were given and expressed, may pass for good witnesses on this occasion.

This government, Mr. President, from its origin to the peace of 1815, had been too much engrossed with various other important concerns to be able to turn its thoughts inward, and look to the development of its vast internal resources. In the early part of President Washington's administration, it was fully occupied with organizing the government, providing for the public debt, defending the frontiers, and maintaining domestic peace. Before the termination of that administration, the fires of the French revolution blazed forth, as from a new opened volcano, and the whole breadth of the ocean did not entirely secure us from its effects. The smoke and the cinders reached us, though not the burning lava. Difficult and agitating questions, embarrassing to government, and dividing public opinion, sprung out of the new state of our foreign relations, and were succeeded by others, and yet again by others equally embarrassing, and equally exciting division and discord, through the long series of twenty years, till they finally issued in the war with England. Down to the close of that war, no distinct, marked, and deliberate attention had been given, or could have been given, to the internal condition of the country, its capacities of improvement, or the constitutional power of the government, in regard to objects connected with such improvement.

The peace, Mr. President, brought about an entirely new and a most interesting state of things; it opened to us other prospects, and suggested other duties; we, ourselves, were changed, and the whole world was changed. The pacification of Europe, after June, 1815, assumed a firm and permanent aspect. The nations evidently manifested that they were disposed for peace; some agitation of the waves might be expected, even after the storm had subsided; but the tendency was, strongly and

rapidly, with all the powers, toward a permanent and settled repose.

It so happened, sir, that I was at that time a member of Congress, and, like others, naturally turned my attention to the contemplation of the newly-altered condition of the country, and of the world. It appeared plainly enough to me, as well as to wiser and more experienced men, that the policy of the government would necessarily take a start in a new direction, because new directions would necessarily be given to the pursuits and occupations of the people. We had pushed our commerce far and fast, under the advantage of a neutral flag. But there were now no longer flags, either neutral or belligerent. The harvest of neutrality had been great, but we had gathered it all. With the peace of Europe, it was obvious there would spring up, in her circle of nations, a revived and invigorated spirit of trade, and a new activity in all the business and objects of civilized life. Hereafter, our commercial gains were to be earned only by success in a close and intense competition. Other nations would produce for themselves, and carry for themselves, and manufacture for themselves, to the full extent of their abilities. The crops of our plains would no longer sustain European armies, nor our ships longer supply those whom war had rendered unable to supply themselves. It was obvious that, under these circumstances, the country would begin to survey itself, and to estimate its own capacity of improvement. And this improvement, how was it to be accomplished, and who was to accomplish it?

We were ten or twelve millions of people, spread over almost half a world. We were twenty-four States, some stretching along the same seaboard, some along the same line of inland frontier, and others on the opposite banks of the same vast rivers. Two considerations at once presented themselves, in looking at this state of things, with great force. One was, that that great branch of improvement, which con-

sisted in furnishing new facilities of intercourse, necessarily ran into different States, in every leading instance, and would benefit the citizens of all such States. No one State, therefore, in such cases, would assume the whole expense, nor was the co-operation of several States to be expected. Take the instance of the Delaware Breakwater. It will cost several millions of money. Would Pennsylvania, New Jersey, and Delaware have united to accomplish it at their joint expense? Certainly not, for the same reason. It could not be done, therefore, but by the general government. The same may be said of the large inland undertakings, except that, in them, government, instead of bearing the whole expense, co-operates with others to bear a part. The other consideration is, that the United States have the means. They enjoy the revenues derived from commerce, and the States have no abundant and easy sources of public income. The custom houses fill the general treasury, while the States have scanty resources, except by resort to heavy direct taxes.

Under this view of things, I thought it necessary to settle, at least for myself, some definite notions, with respect to the powers of government, in regard to internal affairs. It may not savor too much of self-commendation to remark that, with this object, I considered the Constitution, its judicial construction, its contemporaneous exposition, and the whole history of the legislation of Congress under it; and I arrived at the conclusion that government had power to accomplish sundry objects, or aid in their accomplishment, which are now commonly spoken of as INTERNAL IMPROVEMENTS. That conclusion, sir, may have been right, or it may have been wrong. I am not about to argue the grounds of it at large. I say, only, that it was adopted, and acted on, even as early as in 1816. Yes, Mr. President, I made up my opinion, and determined on my intended course of political conduct on these subjects, in the 14th

Congress in 1816. And now, Mr. President, I have further to say, that I made up these opinions, and entered on this course of political conduct, *Teucro duce*. Yes, sir, I pursued, in all this, a South Carolina track. On the doctrines of internal improvement, South Carolina, as she was then represented in the other House, set forth, in 1816, under a fresh and leading breeze; and I was among the followers. But if my leader sees new lights, and turns a sharp corner, unless I see new lights also, I keep straight on, in the same path. I repeat, that leading gentlemen from South Carolina were first and foremost in behalf of the doctrines of internal improvements, when those doctrines first came to be considered and acted upon in Congress. The debate on the bank question, on the tariff of 1816, and on the direct tax, will show who was who, and what was what, at that time. The tariff of 1816, one of the plain cases of oppression and usurpation, from which, if the government does not recede, individual States may justly secede from the government, is, sir, in truth, a South Carolina tariff, supported by South Carolina votes. But for those votes, it could not have passed in the form in which it did pass; whereas, if it had depended on Massachusetts votes, it would have been lost. Does not the honorable gentleman well know all this? There are certainly those who do full well know it all. I do not say this to reproach South Carolina; I only state the fact, and I think it will appear to be true, that among the earliest and boldest advocates of the tariff, as a measure of protection, and on the express ground of protection, were leading gentlemen of South Carolina in Congress. I did not then, and cannot now, understand their language in any other sense. While this tariff of 1816 was under discussion in the House of Representatives, an honorable gentleman from Georgia, now of this House (Mr. Forsyth), moved to reduce the proposed duty on cotton. He failed by four votes, South Carolina giving three votes (enough to

have turned the scale) against his motion. The act, sir, then passed, and received on its passage the support of a majority of the representatives of South Carolina, present and voting. This act is the first in the order of those now denounced as plain usurpations. We see it daily in the list, by the side of those of 1824 and 1828, as a case of manifest oppression, justifying disunion. I put it home to the honorable member from South Carolina, that his own State was not only "art and part" in this measure, but the *causa causans*. Without her aid, this seminal principle of mischief, this root of upas, could not have been planted. I have already said—and it is true—that this act preceded on the ground of protection. It interfered directly with existing interests of great value and amount. It cut up the Calcutta cotton trade by the roots. But it passed, nevertheless, and it passed on the principle of protecting manufactures, on the principle against free trade, on the principle *opposed to that which lets us alone*.

Such, Mr. President, were the opinions of important and leading gentlemen of South Carolina, on the subject of internal improvement, in 1816. I went out of Congress the next year, and, returning again in 1823, thought I found South Carolina where I left her. I really supposed that all things remained as they were, and that the South Carolina doctrine of internal improvements would be defended by the same eloquent voices, and the same strong arms as formerly. In the lapse of these six years, it is true, political associations had assumed a new aspect, and new divisions. A party had arisen in the South, hostile to the doctrine of internal improvements, and had vigorously attacked that doctrine. Anti-consolidation was the flag under which this party fought, and its supporters inveighed against internal improvements, much after the same manner in which the honorable gentleman has now inveighed against them, as part and parcel of the system of consolidation.

Whether this party arose in South Carolina

herself, or in her neighborhood, is more than I know. I think the latter. However that may have been, there were those found in South Carolina ready to make war upon it, and who did make intrepid war upon it. Names being regarded as things, in such controversies, they bestowed on the anti-improvement gentlemen the appellation of radicals. Yes, sir, the name of radicals, as a term of distinction, applicable and applied to those who defended the liberal doctrines of internal improvements, originated, according to the best of my recollection, somewhere between North Carolina and Georgia. Well, sir, those mischievous radicals were to be put down, and the strong arm of South Carolina was stretched out to put them down. About this time, sir, I returned to Congress. The battle with the radicals had been fought, and our South Carolina champions of the doctrine of internal improvements had nobly maintained their ground, and were understood to have achieved a victory. They had driven the enemy back with discomfiture; a thing, by the way, sir, which is not always performed when it is promised. A gentleman, to whom I have already referred in this debate, had come into Congress during my absence from it, from South Carolina, and had brought with him a high reputation for ability. He came from a school with which we had been acquainted, *et nascitur a sociis*. I hold in my hand, sir, a printed speech of this distinguished gentleman (MR. McDUFFIE), on "INTERNAL IMPROVEMENTS," delivered about the period to which I now refer, and printed with a few introductory remarks upon consolidation; in which, sir, I think he quite consolidated the arguments of his opponents, the Radicals, if to *crush* be to consolidate. I give you a short, but substantial quotation from these remarks. He is speaking of a pamphlet, then recently published, entitled "Consolidation;" and having alluded to the question of rechartering the former Bank of the United States, he says:

"Moreover, in the early history of parties, and when Mr. Crawford advocated the renewal of the old charter, it was considered a Federal measure; which internal improvement never was, as this author erroneously states. This latter measure originated in the administration of Mr. Jefferson, with the appropriation for the Cumberland road; and was first proposed, *as a system*, by Mr. Calhoun, and carried through the House of Representatives by a large majority of the Republicans, including almost every one of the leading men who carried us through the late war."

So, then, internal improvement is not one of the Federal heresies. One paragraph more, sir: "The author in question, not content with denouncing as Federalists, Gen. Jackson, Mr. Adams, Mr. Calhoun, and the majority of the South Carolina delegation in Congress, modestly extends the denunciation to Mr. Monroe, and the whole Republican party. Here are his words: 'During the administration of Mr. Monroe, much has passed which the Republican party would be glad to approve, if they could!! But the principal feature, and that which has chiefly elicited these observations, is the renewal of the SYSTEM OF INTERNAL IMPROVEMENTS.' Now, this measure was adopted by a vote of 115 to 86, of a Republican Congress, and sanctioned by a Republican President. Who, then, is this author, who assumes the high prerogative of denouncing, in the name of the Republican party, the Republican administration of the country—a denunciation including within its sweep Calhoun, Lowndes, and Cheves; men who will be regarded as the brightest ornaments of South Carolina, and the strongest pillars of the Republican party, as long as the late war shall be remembered, and talents and patriotism shall be regarded as the proper objects of the admiration and gratitude of a free people!!"

Such are the opinions, sir, which were maintained by South Carolina gentlemen in the

House of Representatives, on the subject of internal improvements, when I took my seat there as a member from Massachusetts, in 1823. But this is not all; we had a bill before us, and passed it in that House, entitled, "An act to procure the necessary surveys, plans, and estimates upon the subject of roads and canals."

*It authorized the President to cause surveys and estimates to be made of the routes of such roads and canals as he might deem of national importance, in a commercial or military point of view, or for the transportation of the mail; and appropriated thirty thousand dollars out of the treasury to defray the expense.* This act, though preliminary in its nature, covered the whole ground. It took for granted the complete power of internal improvement, as far as any of its advocates had ever contended for it. Having passed the other House, the bill came up to the Senate, and was here considered and debated in April, 1824. The honorable member from South Carolina was a member of the Senate at that time. While the bill was under consideration here, a motion was made to add the following proviso:—

*"Provided, That nothing herein contained shall be construed to affirm or admit a power in Congress, on their own authority, to make roads or canals within any of the States of the Union."*

The yeas and nays were taken on this proviso, and the honorable member voted *in the negative*. The proviso failed.

A motion was then made to add this proviso, viz:—

*"Provided, That the faith of the United States is hereby pledged, that no money shall ever be expended for roads or canals, except it shall be among the several States, and in the same proportion as direct taxes are laid and assessed by the provisions of the Constitution."*

The honorable member voted *against this proviso*, also, and it failed.

The bill was then put on its passage, and the

honorable member voted *for it*, and it passed, and became a law.

Now, it strikes me, sir, that there is no maintaining these votes but upon the power of internal improvement, in its broadest sense. In truth, these bills for surveys and estimates have always been considered as test questions. They show who is for, and who against, internal improvement. This law itself went the whole length, and assumed the full and complete power. The gentleman's vote sustained that power, in every form in which the various propositions to amend presented it. He went for the entire and unrestrained authority, without consulting the States, and without agreeing to any proportionate distribution. And now, suffer me to remind you, Mr. President, that it is this very same power, thus sanctioned, in every form, by the gentleman's own opinion, that is so plain and manifest a usurpation, that the State of South Carolina is supposed to be justified in refusing submission to any laws carrying the power into effect. Truly, sir, is not this a little too hard? May we not crave some mercy, under favor and protection of the gentleman's own authority? Admitting that a road or a canal must be written down flat usurpation as ever was committed, may we find no mitigation in our respect for his place, and his vote, as one that knows the law?

The tariff which South Carolina had an efficient hand in establishing in 1816, and this asserted power of internal improvement—advanced by her in the same year, and, as we have seen, approved and sanctioned by her Representatives in 1824—these two measures are the great grounds on which she is now thought to be justified in breaking up the Union, if she sees fit to break it up.

I may now safely say, I think, that we have had the authority of leading and distinguished gentlemen from South Carolina in support of the doctrine of internal improvement. I repeat that, up to 1824, I, for one, followed South

Carolina; but, when that star in its ascension veered off in an unexpected direction, I relied on its light no longer. [Here the Vice-President said, Does the Chair understand the gentleman from Massachusetts to say that the person now occupying the chair of the Senate has changed his opinion on the subject of internal improvement?] From nothing ever said to me, sir, have I had reason to know of any change in the opinions of the person filling the chair of the Senate. If such change has taken place, I regret it; I speak generally of the State of South Carolina. Individuals, we know there are, who hold opinions favorable to the power. An application for its exercise, in behalf of a public work in South Carolina itself, is now pending, I believe, in the other House, presented by members from that State.

I have thus, sir, perhaps not without some tediousness of detail, shown that, if I am in error on the subject of internal improvements, how, and in what company, I fell into that error. If I am wrong, it is apparent who misled me.

I go to other remarks of the honorable member—and I have to complain of an entire misapprehension of what I said on the subject of the national debt, though I can hardly perceive how any one could misunderstand me. What I said was, not that I wished to put off the payment of the debt, but, on the contrary, that I had always voted for every measure for its reduction, as uniformly as the gentleman himself. He seems to claim the exclusive merit of a disposition to reduce the public charge; I do not allow it to him. As a debt, I was, I am, for paying it; because it is a charge on our finances, and on the industry of the country. But I observed, that I thought I perceived a morbid fervor on that subject; an excessive anxiety to pay off the debt; not so much because it is a debt, simply, as because, while it lasts, it furnishes one objection to disunion. It is a tie of common interest while it lasts. I did not impute such motive to the hon-

orable member himself; but that there is such a feeling in existence, I have not a particle of doubt. The most I said was, that if one effect of the debt was to strengthen our Union, that effect itself was not regretted by me, however much others might regret it. The gentleman has not seen how to reply to this, otherwise than by supposing me to have advanced the doctrine that a national debt is a national blessing. Others, I must hope, will find less difficulty in understanding me. I distinctly and pointedly cautioned the honorable member not to understand me as expressing an opinion favorable to the continuance of the debt. I repeated this caution, and repeated it more than once—but it was thrown away.

On yet another point I was still more unaccountably misunderstood. The gentleman had harangued against "consolidation." I told him, in reply, that there was one kind of consolidation to which I was attached, and that was the CONSOLIDATION OF OUR UNION; and that this was precisely that consolidation to which, I feared, others were not attached; that such consolidation was the very end of the Constitution—the leading object, as they had informed us themselves, which its framers had kept in view. I turned to their communication, and read their very words,—“the consolidation of the Union,”—and expressed my devotion to this sort of consolidation. I said in terms that I wished not, in the slightest degree, to augment the powers of this government; that my object was to preserve, not to enlarge; and that, by consolidating the Union, I understood no more than the strengthening of the Union, and perpetuating it. Having been thus explicit; having thus read, from the printed book, the precise words which I adopted, as expressing my own sentiments, it passes comprehension how any man could understand me as contending for an extension of the powers of the government, or for consolidation in the odious sense in which it means an accumulation, in the Federal govern-

ment, of the powers properly belonging to the States.

I repeat, sir, that, in adopting the sentiments of the framers of the Constitution, I read their language audibly, and word for word; and I pointed out the distinction, just as fully as I have now done, between the consolidation of the Union and that other obnoxious consolidation which I disclaimed; and yet the honorable gentleman misunderstood me. The gentleman had said that he wished for no fixed revenue—not a shilling. If, by a word, he could convert the Capitol into gold, he would not do it. Why all this fear of revenue? Why, sir, because, as the gentleman told us, it tends to consolidation. Now, this can mean neither more nor less than that a common revenue is a common interest, and that all common interests tend to hold the Union of the States together. I confess I like that tendency; if the gentleman dislikes it, he is right in deprecating a shilling's fixed revenue. So much, sir, for consolidation.

As well as I recollect the course of his remarks, the honorable gentleman next recurred to the subject of the tariff. He did not doubt the word must be of unpleasant sound to me, and proceeded, with an effort neither new nor attended with new success, to involve me and my hopes in inconsistency and contradiction. I am happy the honorable gentleman has furnished me an opportunity of a timely remark or two on that subject. I was glad he approached it, for it is a question I enter upon without fear from anybody. The strenuous toil of the gentleman has been to raise an inconsistency between my dissent to the tariff, in 1824, and my vote in 1828. It is labor lost. He pays undeserved compliment to my speech in 1824; but this is to raise me high, that my fall, as he would have it, in 1828, may be the more signal. Sir, there was no fall at all. Between the ground I stood on in 1824, and that I took in 1828, there was not only no precipice, but no

declivity. It was a change of position, to meet new circumstances, but on the same level. A plain tale explains the whole matter. In 1816 I had not acquiesced in the tariff, then supported by South Carolina. To some parts of it, especially, I felt and expressed great repugnance. I held the same opinions in 1821, at the meeting in Faneuil Hall, to which the gentleman has alluded. I said then, and say now, that, as an original question, the authority of Congress to exercise the revenue power, with direct reference to the protection of manufactures, is a questionable authority, far more questionable, in my judgment, than the power of internal improvements. I must confess, sir, that, in one respect, some impression has been made on my opinions lately. Mr. Madison's publication has put the power in a very strong light. He has placed it, I must acknowledge, upon grounds of construction and argument which seem impregnable. But even if the power were doubted, on the face of the Constitution itself, it had been assumed and asserted in the first revenue law ever passed under the same Constitution; and, on this ground, as a matter settled by contemporaneous practice, I had refrained from expressing the opinion that the tariff laws transcended constitutional limits, as the gentleman supposes. What I did say at Faneuil Hall, as far as I now remember, was, that this was originally matter of doubtful construction. The gentleman himself, I suppose, thinks there is no doubt about it, and that the laws are plainly against the Constitution. Mr. Madison's letters, already referred to, contain, in my judgment, by far the most able exposition extant of this part of the Constitution. He has satisfied me, so far as the practice of the Government had left it an open question.

With a great majority of the representatives of Massachusetts, I voted against the tariff of 1824. My reasons were then given, and I will not now repeat them. But, notwithstanding our dissent, the great States of New York, Penn-

sylvania, Ohio, and Kentucky, went for the bill, in almost unbroken column, and it passed. Congress and the President sanctioned it, and it became the law of the land. What, then, were we to do? Our only option was, either to fall in with this settled course of public policy, and to accommodate ourselves to it as well as we could, or to embrace the South Carolina doctrine, and talk of nullifying the statute by State interference.

The last alternative did not suit our principles, and, of course, we adopted the former. In 1827 the subject came again before Congress, on a proposition favorable to wool and woolens. We looked upon the system of protection as being fixed and settled. The law of 1824 remained. It had gone into full operation, and, in regard to some objects intended by it, perhaps most of them had produced all its expected effects. No man proposed to repeal it—no man attempted to renew the general contest on its principle. But, owing to subsequent and unforeseen occurrences, the benefit intended by it to wool and woolen fabrics had not been realized. Events, not known here when the law passed, had taken place, which defeated its object in that particular respect. A measure was accordingly brought forward to meet this precise deficiency, to remedy this particular defect. It was limited to wool and woolens. Was ever anything more reasonable? If the policy of the tariff laws had become established, in principle, as the permanent policy of the Government, should they not be revised and amended, and made equal, like other laws, as exigencies should arise, or justice required? Because we had doubted about adopting the system, were we to refuse to cure its manifest defects after it became adopted, and when no one attempted its repeal? And this, sir, is the inconsistency so much bruited. I had voted against the tariff of 1824—but it passed; and, in 1827 and 1828, I voted to amend it in a point essential to the interest of my constituents. Where is the inconsistency? Could I do otherwise?



Sir, does political consistency consist in always giving negative votes? Does it require of a public man to refuse to concur in amending laws, because they passed against his consent? Having voted against the tariff originally, does consistency demand that I should do all in my power to maintain an unequal tariff, burdensome to my own constituents, in many respects,—favorable in none? To consistency of that sort, I lay no claim; and there is another sort to which I lay as little—and that is, a kind of consistency by which persons feel themselves as much bound to oppose a proposition, after it has become the law of the land, as before.

The bill of 1827, limited, as I have said, to the single object in which the tariff of 1824 had manifestly failed in its effects, passed the House of Representatives, but was lost here. We had then the act of 1828. I need not recur to the history of a measure so recent. Its enemies spiced it with whatsoever they thought would render it distasteful; its friends took it, drugged as it was. Vast amounts of property, many millions, had been invested in manufactures, under the inducements of the act of 1824. Events called loudly, I thought, for further regulations to secure the degree of protection intended by that act. I was disposed to vote for such regulations, and desired nothing more; but certainly was not to be bantered out of my purpose by a threatened augmentation of duty on molasses, put into the bill for the avowed purpose of making it obnoxious. The vote may have been right or wrong, wise or unwise; but it is a little less than absurd to allege against it an inconsistency with opposition to the former law.

Sir, as to the general subject of the tariff, I have little now to say. Another opportunity may be presented. I remarked, the other day, that this policy did not begin with us in New England; and yet, sir, New England is charged with vehemence as being favorable, or charged with equal vehemence as being unfavorable, to

the tariff policy, just as best suits the time, place, and occasion, for making some charge against her. The credulity of the public has been put to its extreme capacity of false impression, relative to her conduct in this particular. Through all the South, during the late contest, it was New England policy, and a New England administration, that was inflicting the country with a tariff policy beyond all endurance, while, on the other side of the Alleghany, even the act of 1828 itself—the very sublimated essence of oppression, according to Southern opinions,—was pronounced to be one of those blessings for which the West was indebted to the “generous South.”

With large investments in manufacturing establishments, and various interests connected with, and dependent on them, it is not to be expected that New England, any more than other portions of the country, will now consent to any measures destructive or highly dangerous. The duty of the Government, at the present moment, would seem to be to preserve, not to destroy; to maintain the position which it has assumed; and, for one, I shall feel it an indispensable obligation to hold it steady, as far as in my power, to that degree of protection which it has undertaken to bestow. No more of the tariff.

Professing to be provoked by what he chose to consider a charge made by me against South Carolina, the honorable member, Mr. President, has taken up a new crusade against New England. Leaving altogether the subject of the public lands, in which his success, perhaps, had been neither distinguished nor satisfactory, and letting go, also, of the topic of the tariff, he sallied forth in a general assault on the opinions, politics, and parties of New England, as they have been exhibited in the last thirty years. This is natural. The “narrow policy” of the public lands had proved a legal settlement in South Carolina, and was not to be removed. The “accursed policy” of the tariff, also, had

established the fact of its birth and parentage in the same State. No wonder, therefore, the gentleman wished to carry the war, as he expressed it, into the enemy's country. Prudently willing to quit these subjects, he was, doubtless, desirous of fastening others, which could not be transferred, south of Mason and Dixon's line. The politics of New England became his theme; and it was in this part of his speech, I think, that he menaced me with such sore discomfiture.

Discomfiture! why, sir, when he attacks anything which I maintain, and overthrows it; when he turns the right or left of any position which I take up; when he drives me from any ground I choose to occupy, he may then talk of discomfiture, but not till that distant day. What has he done? Has he maintained his own charges? Has he proved what he alleged? Has he sustained himself in his attack on the Government, and on the history of the North, in the matter of the public lands? Has he disproved a fact, refuted a proposition, weakened an argument maintained by me? Has he come within beat of drum of any position of mine? O, no; but he has "carried the war into the enemy's country!" Carried the war into the enemy's country! Yes, sir, and what sort of a war has he made of it? Why, sir, he has stretched a drag-net over the whole surface of perished pamphlets, indiscreet sermons, frothy paragraphs, and fuming popular addresses, over whatever the pulpit in its moments of alarm, the press in its heats, and parties in their extravagances, have severally thrown off, in times of general excitement and violence. He has thus swept together a mass of such things, as, but they are not now old, the public health would have required him rather to leave in their state of dispersion.

For a good long hour or two, we had the unbroken pleasure of listening to the honorable member, while he recited, with his usual grace and spirit, and with evident high gusto,

speeches, pamphlets, addresses, and all the *et ceteras* of the political press, such as warm heads produce in warm times, and such as it would be "discomfiture," indeed, for any one, whose taste did not delight in that sort of reading, to be obliged to peruse. This is his war. This is to carry the war into the enemy's country. It is in an invasion of this sort that he flatters himself with the expectation of gaining laurels fit to adorn a Senator's brow.

Mr President, I shall not, it will, I trust, not be expected, that I should, either now or at any time, separate this farrago into parts, and answer and examine its components. I shall hardly bestow upon it all a general remark or two. In the run of forty years, sir, under this Constitution, we have experienced sundry successive violent party contests. Party arose, indeed, with the Constitution itself, and in some form or other has attended through the greater part of its history.

Whether any other Constitution than the old articles of Confederation was desirable, was, itself, a question on which parties divided; if a new Constitution was framed, what powers should be given to it, was another question; and, when it had been formed, what was, in fact, the just extent of the powers actually conferred, was a third. Parties, as we know, existed under the first administration, as distinctly marked as those which manifested themselves at any subsequent period.

The contest immediately preceding the political change in 1801, and that, again, which existed at the commencement of the late war, are other instances of party excitement, of something more than usual strength and intensity. In all these conflicts, there was, no doubt, much of violence on both and all sides. It would be impossible, if one had a fancy for such employment, to adjust the relative *quantum* of violence between these two contending parties. There was enough in each, as must always be expected in popular governments.

With a great deal of proper and decorous discussion, there was mingled a great deal, also, of declamation, virulence, crimination, and abuse.

In regard to any party, probably, at one of the leading epochs in the history of parties, enough may be found to make out another equally inflamed exhibition as that with which the honorable member has edified us. For myself, sir, I shall not rake among the rubbish of by-gone times to see what I can find, or whether I cannot find something, by which I can fix a blot on the escutcheon of any State, any party, or any part of the country. General Washington's administration was steadily and zealously maintained, as we all know, by New England. It was violently opposed elsewhere. We know in what quarter he had the most earnest, constant, and persevering support, in all his great and leading measures. We know where his private and personal character was held in the highest degree of attachment and veneration; and we know, too, where his measures were opposed, his services slighted and his character villified.

We know, or we might know, if we turn to the Journals, who expressed respect, gratitude, and regret, when he retired from the chief magistracy; and who refused to express either respect, gratitude, or regret. I shall not open those Journals. Publications more abusive or scurrilous never saw the light than were sent forth against Washington, and all his leading measures, from presses south of New England; but I shall not look them up. I employ no scavengers—no one is in attendance on me, tendering such means of retaliation; and if there were, with an ass's load of them, with a bulk as huge as that which the gentleman himself has produced, I would not touch one of them. I see enough of the violence of our own times to be no way anxious to rescue from forgetfulness the extravagances of times past. Besides, what is all this to the present purpose? It has nothing to do with the public lands, in

regard to which the attack was begun; and it has nothing to do with those sentiments and opinions, which I have thought tend to disunion, and all of which the honorable member seems to have adopted himself, and undertaken to defend. New England has, at times—so argues the gentleman—held opinions as dangerous as those which he now holds. Be it so. But why, therefore, does he abuse New England? If he finds himself countenanced by acts of hers, how is it that, while he relies on these acts, he covers, or seeks to cover, their authors with reproach?

But, sir, if, in the course of forty years, there have been undue effervescences of party in New England, has the same thing happened nowhere else? Party animosity and party outrage, not in New England, but elsewhere, denounced President Washington, not only as a Federalist, but as a Tory, a British agent, a man who, in his high office, sanctioned corruption. But does the honorable member suppose that, if I had a tender here, who should put such an infusion of wickedness and folly in my hand, that I would stand up and read it against the South? Parties ran into great heats, again, in 1799. What was said, sir, or rather what was not said, in those years, against John Adams, one of the signers of the Declaration of Independence, and its admitted ablest defender on the floor of Congress? If the gentleman wants to increase his stores of party abuse and frothy violence, if he has a determined proclivity to such pursuits, there are treasures of that sort south of the Potomac, much to his taste, yet untouched. I shall not touch them.

The parties which divided the country, at the commencement of the late war, were violent. But, then, there was violence on both sides, and violence in every State. Minorities and majorities were equally violent. There was no more violence against the war in New England than in other States; nor any more ap-

pearance of violence, except that, owing to a dense population, greater facility for assembling, and more presses, there may have been more, in quantity, spoken and printed there than in some other places. In the article of sermons, too, New England is somewhat more abundant than South Carolina; and for that reason, the chance of finding here and there an exceptional one, may be greater. I hope, too, there are more good ones. Opposition may have been more formidable in New England, as it embraced a larger portion of the whole population; but it was no more unrestrained in its principle, or violent in manner. The minorities dealt quite as harshly with their own State governments as the majorities dealt with the administration here. There were presses on both sides, popular meetings on both sides, aye, and pulpits on both sides, also. The gentleman's purveyors have only catered for him among the productions of one side. I certainly shall not supply the deficiency by furnishing samples of the other. I leave to him, and to them, the whole concern.

It is enough for me to say, that if, in any part of this, their grateful occupation—if, in all their researches—they find anything in the history of Massachusetts, or New England, or in the proceedings of any legislative or other public body, disloyal to the Union, speaking slightly of its value, proposing to break it up, or recommending non-intercourse with neighboring States, on account of differences of political opinion, then, sir, I give them all up to the honorable gentleman's unrestrained rebuke; expecting, however, that he will extend his buffetings, in like manner, to all similar proceedings, wherever else found.

The gentleman, sir, has spoken at large of former parties, now no longer in being, by their received appellations, and has undertaken to instruct us, not only in the knowledge of their principles, but of their respective pedigrees also. He has ascended to their origin, and run out

their genealogies. With most exemplary modesty, he speaks of the party to which he professes to have belonged himself, as the true, pure, the only honest, patriotic party, derived by regular descent, from father to son, from the time of the virtuous Romans! Spreading before us the family tree of political parties, he takes especial care to show himself snugly perched on a popular bough! He is wakeful to the expediency of adopting such rules of descent, for political parties, as shall bring him in, in exclusion of others, as an heir to the inheritance of all public virtue, and all true political principles. His doxy is always orthodox. Heterodoxy is confined to his opponents. He spoke, sir, of the Federalists, and I thought I saw some eyes begin to open and stare a little, when he ventured on that ground. I expected he would draw his sketches rather lightly, when he looked on the circle around him, and especially if he should cast his thoughts to the high places out of the Senate. Nevertheless, he went back to Rome, *ad annum urbs condita*, and found the fathers of the Federalists in the primeval aristocrats of that renowned empire! He traced the flow of Federal blood down through successive ages and centuries, till he got into the veins of the American Tories (of whom, by the way, there were twenty in the Carolinas for one in Massachusetts). From the Tories, he followed it to the Federalists; and as the Federal party was broken up, and there was no possibility of transmitting it farther on this side of the Atlantic, he seems to have discovered that it has gone off, collaterally, though against all the canons of descent, into the ultras of France, and finally become extinguished, like exploded gas, among the adherents of Don Miguel.

This, sir, is an abstract of the gentleman's history of Federalism. I am not about to controvert it. It is not, at present, worth the pains of refutation, because, sir, if at this day one feels the sin of Federalism lying

heavily on his conscience, he can easily obtain remission. He may even have an indulgence, if he is desirous of repeating the transgression. It is an affair of no difficulty, to get into this same right line of patriotic descent. A man, nowadays, is at liberty to choose his political parentage. He may elect his own father. Federalism or not, he may, if he choose, claim to belong to the favored stock, and his claim will be allowed. He may carry back his pretension just as far as the honorable gentleman himself; nay, he may make himself out the honorable gentleman's cousin, and prove satisfactorily that he is descended from the same political great-grandfather. All this is allowable. We all know a process, sir, by which the whole Essex Junto could, in one hour, be all washed white from their ancient Federalism, and come out, every one of them, an original democrat, dyed in the wool! Some of them have actually undergone the operation, and they say it is quite easy. The only inconvenience it occasions, as they tell us, is a slight tendency of the blood to the face, a soft suffusion, which, however, is very transient, since nothing is said calculated to deepen the red on the cheek, but a prudent silence observed in regard to all the past. Indeed, sir, some smiles of approbation have been bestowed, and some crumbs of comfort have fallen, not a thousand miles from the door of the Hartford Convention itself. And if the author of the ordinance of 1787 possessed the other requisite qualifications, there is no knowing, notwithstanding his Federalism, to what heights of favor he might not yet attain.

Mr. President, in carrying his warfare, such as it was, into New England, the honorable gentleman, all along, professes to be acting on the defensive. He desires to consider me as having assailed South Carolina, and insists that he comes forth only as her champion, and in her defense. Sir, I do not admit that I made any attack whatever on South Carolina. Nothing like it. The honorable member, in his first

speech, expressed opinions, in regard to revenue, and some other topics; which I heard both with pain and surprise. I told the gentleman that I was aware that such sentiments were entertained out of the government, but had not expected to find them advanced in it; that I knew there were persons in the South who speak of our Union with indifference, or doubt, taking pains to magnify its evils, and to say nothing of its benefits; that the honorable member himself, I was sure, could never be one of these; and I regretted the expression of such opinions as he had avowed, because I thought their obvious tendency was to encourage feelings of disrespect to the Union, and to weaken its connection. This, sir, is the sum and substance of all I said on the subject. And this constitutes the attack which called on the chivalry of the gentleman, in his opinion, to harry us with such a forage among the party pamphlets and party proceedings of Massachusetts. If he means that I spoke with dissatisfaction or disrespect of the ebullitions of individuals in South Carolina, it is true. But, if he means that I had assailed the character of the State, her honor, or patriotism, that I had reflected on her history or her conduct, he had not the slightest ground for any such assumption. I did not even refer, I think, in my observations, to any collection of individuals. I said nothing of the recent conventions. I spoke in the most guarded and careful manner, and only expressed my regrets for the publication of opinions which, I presume, the honorable member disapproved as much as myself. In this, it seems, I was mistaken.

I do not remember that the gentleman has disclaimed any sentiment, or any opinion, of a supposed anti-Union tendency, which on all or any of the recent occasions had been expressed. The whole drift of his speech has been rather to prove that, in divers times and manners, sentiments equally liable to objection have been promulgated in New England. And

one would suppose that his object, in this reference to Massachusetts, was to find a precedent to justify proceedings in the South, were it not for the reproach and contumely with which he labors, all along, to load his precedents.

By way of defending South Carolina from what he chooses to think an attack on her, he first quotes the example of Massachusetts, and then denounces that example, in good set terms. This twofold purpose, not very consistent with itself, one would think, was exhibited more than once in the course of his speech. He referred, for instance, to the Hartford Convention. Did he do this for authority, or for a topic of reproach? Apparently for both: for he told us that he should find no fault with the mere fact of holding such a convention, and considering and discussing such questions as he supposes were then and there discussed; but what rendered it obnoxious was the time it was holden, and the circumstances of the country then existing. We were in a war, he said, and the country needed all our aid; the hand of government required to be strengthened, not weakened; and patriotism should have postponed such proceedings to another day. The thing itself, then, is a precedent; the time and manner of it, only, subject of censure.

Now, sir, I go much farther, on this point, than the honorable member. Supposing, as the gentleman seems to, that the Hartford Convention assembled for any such purpose as breaking up the Union, because they thought unconstitutional laws had been passed, or to concert on that subject, or to calculate the value of the Union: supposing this to be their purpose, or any part of it, then I say the meeting itself was disloyal, and obnoxious to censure, whether held in time of peace, or time of war, or under whatever circumstances. The material matter is the object. Is dissolution the object? If it be, external circumstances may make it a more or less aggravated case, but cannot affect the principle. I do not hold, there-

fore, that the Hartford Convention was pardonable, even to the extent of the gentleman's admission, if its objects were really such as have been imputed to it. Sir, there never was a time, under any degree of excitement, in which the Hartford Convention, or any other convention, could maintain itself one moment in New England, if assembled for any such purpose as the gentleman says would have been an allowable purpose. To hold conventions to decide questions of constitutional law! To try the validity of statutes, by votes in a convention! Sir, the Hartford Convention, I presume, would not desire that the honorable gentleman should be their defender or advocate, if he puts their case upon such untenable and extravagant grounds.

Then, sir, the gentleman has no fault to find with these recently-promulgated South Carolina opinions. And, certainly, he need have none; for his own sentiments, as now advanced, and advanced on reflection, as far as I have been able to comprehend them, go the full length of all these opinions. I propose, sir, to say something on these, and to consider how far they are just and constitutional. Before doing that, however, let me observe, that the eulogium pronounced on the character of the State of South Carolina, by the honorable gentleman, for her revolutionary and other merits, meets my hearty concurrence. I shall not acknowledge that the honorable member goes before me in regard for whatever of distinguished talent or distinguished character South Carolina has produced. I claim part of the honor; I partake in the pride of her great names. I claim them for countrymen, one and all. The Laurenses, the Rutledges, the Pinckneys, the Sumters, the Marions, Americans all—whose fame is no more to be hemmed in by State lines than their talents and their patriotism were capable of being circumscribed within the same narrow limits. In their day and generation, they served and honored their country, and the whole country;

and their renown is of the treasures of the whole country. Him whose honored name the gentleman himself bears—does he suppose me less capable of gratitude for his patriotism, or sympathy for his sufferings, than if his eyes had first opened upon the light in Massachusetts, instead of South Carolina? Sir, does he suppose it is in his power to exhibit a Carolina name so bright as to produce envy in my bosom? No, sir; increased gratification and delight, rather.

Sir, I thank God that if I am gifted with little of the spirit which is said to be able to raise mortals to the skies, I have yet none, as I trust, of that other spirit, which would drag angels down. When I shall be found, sir, in my place here in the Senate, or elsewhere, to sneer at public merit, because it happened to spring up beyond the limits of my own State, or neighborhood; when I refuse, for any such cause, or for any cause, the homage due to American talent, to elevated patriotism, to sincere devotion to liberty and the country; or, if I see an uncommon endowment of Heaven, if I see extraordinary capacity and virtue in any son of the South, and if, moved by local prejudice, or gangrened by State jealousy, I get up here to abate the tithe of a hair from his just character and just fame,—may my tongue cleave to the roof of my mouth! Sir, let me recur to pleasing recollections; let me indulge in refreshing remembrance of the past; let me remind you that, in early times, no States cherished greater harmony, both of principle and feeling, than Massachusetts and South Carolina. Would to God that harmony might again return. Shoulder to shoulder they went through the Revolution; hand in hand they stood round the administration of Washington, and felt his own great arm lean on them for support. Unkind feeling, if it exist, alienation, and distrust are the growth unnatural to such soils, of false principles since sown. They are weeds, the seeds of which that same great arm never scattered.

Mr. President, I shall enter on no encomium

upon Massachusetts—she needs none. There she is—behold her, and judge for yourselves. There is her history—the world knows it by heart. The past, at least, is secure. There is Boston, and Concord, and Lexington, and Bunker Hill; and there they will remain forever. The bones of her sons, fallen in the great struggle for independence, now lie mingled with the soil of every State, from New England to Georgia; and there they will lie forever. And, sir, where American liberty raised its first voice, and where its youth was nurtured and sustained, there it still lives, in the strength of its manhood, and full of its original spirit. If discord and disunion shall wound it; if folly and madness, if uneasiness under salutary and necessary restraint, shall succeed, to separate it from that Union by which alone its existence is made sure,—it will stand, in the end, by the side of that cradle in which its infancy was rocked; it will stretch forth its arm, with whatever vigor it may still retain, over the friends who gather around it; and it will fall at last, if fall it must, amidst the proudest monuments of its glory, and on the very spot of its origin.

There yet remains to be performed, Mr. President, by far the most grave and important duty, which I feel to be devolved on me by this occasion. It is to state, and to defend, what I conceive to be the true principles of the Constitution under which we are here assembled. I might well have desired that so weighty a task should have fallen into other and abler hands. I could have wished that it should have been executed by those whose character and experience give weight and influence to their opinions, such as cannot possibly belong to mine. But, sir, I have met the occasion, not sought it; and I shall proceed to state my own sentiments, without challenging for them any particular regard, with studied plainness, and as much precision as possible.

I understand the honorable gentleman from South Carolina to maintain that it is a right of

the State Legislature to interfere, whenever, in their judgment, this government transcends its constitutional limits, and to arrest the operation of its laws.

I understand him to maintain this right as a right existing under the Constitution, not as a right to overthrow it, on the ground of extreme necessity, such as would justify violent revolution.

I understand him to maintain an authority, on the part of the States, thus to interfere for the purpose of correcting the exercise of power by the general government, of checking it, and of compelling it to conform to their opinion of the extent of its power.

I understand him to maintain that the ultimate power of judging of the constitutional extent of its own authority is not lodged exclusively in the general government, or any branch of it; but that, on the contrary, the States may lawfully decide for themselves, and each State for itself, whether, in a given case, the act of the general government transcends its power.

I understand him to insist that, if the exigency of the case, in the opinion of any State government, require it, such State government may, by its own sovereign authority, annul an act of the general government which it deems plainly and palpably unconstitutional.

This is the sum of what I understand from him to be the South Carolina doctrine. I propose to consider it, and to compare it with the Constitution. Allow me to say, as a preliminary remark, that I call this the South Carolina doctrine, only because the gentleman himself has so denominated it. I do not feel at liberty to say that South Carolina, as a State, has ever advanced these sentiments. I hope she has not, and never may. That a great majority of her people are opposed to the tariff laws, is doubtless true. That a majority, somewhat less than that just mentioned, conscientiously believed these laws unconstitutional, may probably be also true. But that any majority holds

to the right of direct State interference, at State discretion, the right of nullifying acts of Congress by acts of State legislation, is more than I know, and what I shall be slow to believe.

That there are individuals, besides the honorable gentleman, who do maintain these opinions, is quite certain. I recollect the recent expression of a sentiment, which circumstances attending its utterance and publication justify us in supposing was not unpremeditated—"The sovereignty of the State; never to be controlled, construed, or decided on, but by her own feelings of honorable justice."

[MR. HAYNE here rose, and said that, for the purpose of being clearly understood, he would state that his proposition was in the words of the Virginia resolution, as follows:—

"That this Assembly doth explicitly and peremptorily declare, that it views the powers of the Federal government, as resulting from the compact to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no further valid than they are authorized by the grants enumerated in that compact; and that, in case of a deliberate, palpable, and dangerous exercise of other powers not granted by the same compact, the States who are parties thereto have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties pertaining to them."]

MR. WEBSTER resumed:—

I am quite aware, Mr. President, of the existence of the resolution which the gentleman read, and has now repeated, and that he relies on it as his authority. I know the source, too, from which it is understood to have proceeded. I need not say that I have much respect for the constitutional opinions of Mr. Madison; they would weigh greatly with me, always. But, before the authority of his opinion be vouched for the gentleman's proposition, it will



be proper to consider what is the fair interpretation of that resolution, to which Mr. Madison is understood to have given his sanction. As the gentleman construes it, it is an authority for him. Possibly he may not have adopted the right construction. That resolution declares, *that in the case of the dangerous exercise of powers not granted by the general government, the States may interpose to arrest the progress of the evil.* But how interpose? And what does this declaration purport? Does it mean no more than that there may be extreme cases in which the people, in any mode of assembling, may resist usurpation, and relieve themselves from a tyrannical government? No one will deny this. Such resistance is not only acknowledged to be just in America, but in England also. Blackstone admits as much, in the theory and practice, too, of the English Constitution. We, sir, who oppose the Carolina doctrine, do not deny that the people may, if they choose, throw off any government, when it becomes oppressive and intolerable, and erect a better in its stead. We all know that civil institutions are established for the public benefit, and that, when they cease to answer the ends of their existence, they may be changed.

But I do not understand the doctrine now contended for to be that which, for the sake of distinctness, we may call the right of revolution. I understand the gentleman to maintain, that, without revolution, without civil commotion, without rebellion, a remedy for supposed abuse and transgression of the powers of the general government lies in a direct appeal to the interference of the State governments. [MR. HAYNE here rose: He did not contend, he said, for the mere right of revolution, but for the right of constitutional resistance. What he maintained was, that, in case of a plain, palpable violation of the Constitution by the general government, a State may interpose; and that this interposition is constitutional.]

MR. WEBSTER resumed:

So, sir, I understood the gentleman, and am happy to find that I did not misunderstand him. What he contends for is, that it is constitutional to interrupt the administration of the Constitution itself, in the hands of those who are chosen and sworn to administer it, by the direct interference, in form of law, of the States, in virtue of their sovereign capacity. The inherent right in the people to reform their government, I do not deny; and that they have another right, and that is, to resist unconstitutional laws without overturning the government. It is no doctrine of mine, that unconstitutional laws bind the people. The great question is, *Whose prerogative is it to decide on the constitutionality or unconstitutionality of the laws?* On that the main debate hinges. The proposition that, in the case of a supposed violation of the Constitution by Congress, the States have a constitutional right to interfere, and annul the law of Congress, is the proposition of the gentleman; I do not admit it. If the gentleman had intended no more than to assert the right of revolution, for justifiable cause, he would have said only what all agree to. But I cannot conceive that there can be a middle course between submission to the laws, when regularly pronounced constitutional, on the one hand, and open resistance, which is revolution or rebellion, on the other. I say the right of a State to annul a law of Congress cannot be maintained but on the ground of the inalienable right of man to resist oppression; that is to say, upon the ground of revolution. I admit that there is no ultimate violent remedy, above the Constitution, and defiance of the Constitution, which may be resorted to, when a revolution is to be justified. But I do not admit that, under the Constitution, and in conformity with it, there is any mode in which a State government, as a member of the Union, can interfere and stop the progress of the general government, by force of her own laws, under any circumstances whatever.

This leads us to inquire into the origin of this government, and the source of its power. Whose agent is it? Is it the creature of the State Legislatures, or the creature of the people? If the government of the United States be the agent of the State governments, then they may control it, provided they can agree in a manner of controlling it; if it is the agent of the people, then the people alone can control it, restrain it, modify, or reform it. It is observable enough, that the doctrine for which the honorable gentleman contends leads him to the necessity of maintaining, not only that this general government is the creature of the States, but that it is the creature of each of the States severally; so that each may assert the power, for itself, of determining whether it acts within the limits of its authority. It is the servant of four and twenty masters, of different wills and different purposes; and yet bound to obey all. This absurdity (for it seems no less) arises from a misconception as to the origin of this government, and its true character. It is, sir, the people's Constitution, the people's government; made for the people; made by the people; and answerable to the people. The people of the United States have declared that this Constitution shall be the supreme law. We must either admit the proposition, or dispute their authority. The States are unquestionably sovereign, so far as their sovereignty is not affected by the supreme law. The State Legislatures, as political bodies, however sovereign, are yet not sovereign over the people. So far as the people have given power to the general government, so far the grant is unquestionably good, and the government holds of the people, and not of the State governments. We are all agents of the same supreme power, the people. The general government and the State governments derive their authority from the same source. Neither can, in relation to the other, be called primary; though one is definite and restricted, and the other general and residuary.

The national government possesses those powers which it can be shown the people have conferred on it, and no more. All the rest belongs to the State governments, or to the people themselves. So far as the people have restrained State sovereignty, by the expression of their will in the Constitution of the United States, so far, it must be admitted, State sovereignty is effectually controlled. I do not contend that it is, or ought to be, controlled further. The sentiment to which I have referred propounds that State sovereignty is only to be controlled by its own "feelings of justice;" that is to say, it is not to be controlled at all; for one who is to follow his feelings, is under no legal control. Now, however men may think this ought to be, the fact is, that the people of the United States have chosen to impose control on State sovereignties. The Constitution has ordered the matter differently from what this opinion announces. To make war, for instance, is an exercise of sovereignty; but the Constitution declares that no State shall make war. To coin money is another exercise of sovereign power; but no State is at liberty to coin money. Again: The Constitution says that no sovereign State shall be so sovereign as to make a treaty. These prohibitions, it must be confessed, are a control of the State sovereignty of South Carolina, as well as of the other States, which does not arise "from feelings of honorable justice." Such an opinion, therefore, is in defiance of the plainest provisions of the Constitution.

There are other proceedings of public bodies, which have already been alluded to, and to which I refer again for the purpose of ascertaining more fully what is the length and breadth of that doctrine, denominated the Carolina doctrine, which the honorable member has now stood up on this floor to maintain.

In one of them I find it resolved that "the tariff of 1828, and every other tariff designed to promote one branch of industry at the ex-

pense of others, is contrary to the meaning and intention of the Federal compact; and as such a dangerous, palpable, and deliberate usurpation of power, by a determined majority, wielding the general government beyond the limits of its delegated powers, as calls upon the States which compose the suffering minority, in their sovereign capacity, to exercise the powers which, as sovereigns necessarily devolve upon them, when their compact is violated."

Observe, sir, that this resolution holds the tariff of 1828, and every other tariff, designed to promote one branch of industry at the expense of another, to be such a dangerous, palpable, and deliberate usurpation of power, as calls upon the States, in their sovereign capacity, to interfere, by their own power. This denunciation, Mr. President, you will please to observe, includes our old tariff of 1816, as well as all others; because that was established to promote the interest of manufacturers of cotton, to the manifest and admitted injury of the Calcutta cotton trade. Observe again, that all the qualifications are here rehearsed, and charged upon the tariff, which are necessary to bring the case within the gentleman's proposition. The tariff is a usurpation; it is a dangerous usurpation; it is a palpable usurpation; it is a deliberate usurpation. It is such a usurpation as calls upon the States to exercise their right of interference. Here is a case, then, within the gentleman's principles, and all his qualifications of his principles. It is a case for action. The Constitution is plainly, dangerously, palpably, and deliberately violated; and the States must interpose their own authority to arrest the law. Let us suppose the State of South Carolina to express this same opinion, by the voice of her legislature. That would be very imposing; but what then? Is the voice of one State conclusive? It so happens that, at the very moment when South Carolina resolves that the tariff laws are unconstitutional, Pennsylvania and Kentucky resolve

exactly the reverse. *They* hold those laws to be both highly proper, and strictly constitutional. And now, sir, how does the honorable member propose to deal with this case? How does he get out of this difficulty, upon any principle of his? His construction gets us into it; how does he propose to get us out?

In Carolina the tariff is a palpable, deliberate usurpation; Carolina, therefore, may *nullify* it, and refuse to pay the duties. In Pennsylvania, it is both clearly constitutional and highly expedient; and there the duties are to be paid. And yet we live under a government of uniform laws, and under a Constitution, too, which contains an express provision, as it happens, that all duties shall be equal in all the States! Does not this approach absurdity?

If there be no power to settle such questions, independent of either of the States, is not the whole Union a rope of sand? Are we not thrown back again precisely upon the old Confederation?

It is too plain to be argued. Four and twenty interpreters of constitutional law, each with a power to decide for itself, and none with authority to bind anybody else, and this constitutional law the only bond of their Union! What is such a state of things but a mere connection during pleasure, or, to use the phraseology of the times, *during feeling*? And that feeling, too, not the feeling of the people who established the Constitution, but the feeling of the State governments.

In another of the South Carolina addresses, having premised that the crisis requires "all the concentrated energy of passion," an attitude of open resistance to the laws of the Union is advised. Open resistance to the laws, then, is the constitutional remedy, the conservative power of the State, which the South Carolina doctrines teach for the redress of political evils, real or imaginary. And its authors further say that, appealing with confidence to the Constitution itself to justify their opinions, they cannot

consent to try their accuracy by the courts of justice. In one sense, indeed, sir, this is assuming an attitude of open resistance in favor of liberty. But what sort of liberty? The liberty of establishing their own opinions, in defiance of the opinions of all others; the liberty of judging and of deciding, exclusively themselves, in a matter in which others have as much right to judge and decide as they; the liberty of placing their opinions above the judgment of all others, above the laws, and above the Constitution. This is their liberty, and this is the fair result of the proposition contended for by the honorable gentleman. Or, it may be more properly said, it is identical with it, rather than a result from it. In the same publication we find the following: "Previously to our revolution, when the arm of oppression was stretched over New England, where did our Northern brethren meet with a braver sympathy than that which sprung from the bosom of Carolinians? *We had no extortion, no oppression, no collision with the king's ministers, no navigation interest springing up in envious rivalry of England.*"

This seems extraordinary language. South Carolina no collision with the king's ministers in 1775! No extortion! No oppression! But, sir, it is also most significant language. Does any man doubt the purpose for which it was penned? Can any one fail to see that it was designed to raise in the reader's mind the question, whether, *at this time*,—that is to say, in 1828,—South Carolina has any collision with the king's ministers, any oppression, or extortion, to fear from England? whether, in short, England is not as naturally the friend of South Carolina as New England, with her navigation interests springing up in envious rivalry of England?

Is it not strange, sir, that an intelligent man in South Carolina, in 1828, should thus labor to prove that, in 1775, there was no hostility, no cause of war between South Carolina and England? That she had no occasion in reference to her own interest, or from regard to

her own welfare, to take up arms in the revolutionary contest? Can any one account for the expression of such strange sentiments, and their circulation through the State, otherwise than by supposing the object to be, what I have already intimated, to raise the question, if they had no "*collision*" (mark the expression) with the ministers of King George the Third, in 1775, what *collision* have they, in 1828, with the ministers of King George the Fourth? What is there now, in the existing state of things, to separate Carolina from *Old*, more, or rather less, than from *New* England?

Resolutions, sir, have been recently passed by the legislature of South Carolina. I need not refer to them; they go no further than the honorable gentleman himself has gone—and I hope not so far. I content myself, therefore, with debating the matter with him.

And now, sir, what I have first to say on this subject is, that at no time, and under no circumstances, has New England, or any State in New England, or any respectable body of persons in New England, or any public man of standing in New England, put forth such a doctrine as this Carolina doctrine.

The gentleman has found no case—he can find none—to support his own opinions by New England authority. New England has studied the Constitution in other schools, and under other teachers. She looks upon it with other regards, and deems more highly and reverently, both of its just authority and its utility and excellence. The history of her legislative proceedings may be traced—the ephemeral effusions of temporary bodies, called together by the excitement of the occasion, may be hunted up—they have been hunted up. The opinions and votes of her public men, in and out of Congress, may be explored—it will all be in vain. The Carolina doctrine can derive from her neither countenance nor support. She rejects it now; she always did reject it. The honorable member has referred to expressions on the sub-

ject of the embargo law, made in this place by an honorable and venerable gentleman (MR. HILLHOUSE), now favoring us with his presence. He quotes that distinguished Senator as saying that, in his judgment, the embargo law was unconstitutional, and that, therefore, in his opinion, the people were not bound to obey it.

That, sir, is perfectly constitutional language. An unconstitutional law is not binding; *but then it does not rest with a resolution or a law of a State legislature to decide whether an act of Congress be or be not constitutional.* An unconstitutional act of Congress would not bind the people of this district, although they have no legislature to interfere in their behalf; and, on the other hand, a constitutional law of Congress does bind the citizens of every State, although all their legislatures should undertake to annul it, by act or resolution. The venerable Connecticut Senator is a constitutional lawyer, of sound principles and enlarged knowledge; a statesman practiced and experienced, bred in the company of Washington, and holding just views upon the nature of our governments. He believed the embargo unconstitutional, and so did others; but what then? Who did he suppose was to decide that question? The State Legislature? Certainly not. No such sentiment ever escaped his lips. Let us follow up, sir, this New England opposition to the embargo laws; let us trace it, till we discern the principle which controlled and governed New England throughout the whole course of that opposition. We shall then see what similarity there is between the New England school of constitutional opinions and this modern Carolina school. The gentleman, I think, read a petition from some single individual, addressed to the Legislature of Massachusetts, asserting the Carolina doctrine—that is, the right of State interference to arrest the laws of the Union. The fate of that petition shows the sentiment of the Legislature. It met no favor. The opinions of Massachusetts were otherwise. They had been expressed in 1798'

in answer to the resolutions of Virginia, and she did not depart from them, nor bend them to the times. Misgoverned, wronged, oppressed, as she felt herself to be, she still held fast her integrity to the Union. The gentleman may find in her proceedings much evidence of dissatisfaction with the measures of government, and great and deep dislike; she claimed no right still to sever asunder the bonds of the Union. There was heat, and there was anger in her political feeling. Be it so. Her heat or her anger did not, nevertheless, betray her into infidelity to the Government. The gentleman labors to prove that she disliked the embargo as much as South Carolina dislikes the tariff, and expressed her dislike as strongly. Be it so; *but did she propose the Carolina remedy? Did she threaten to interfere, by State authority, to annul the laws of the Union?* That is the question for the gentleman's consideration.

No doubt, sir, a great majority of the people of New England conscientiously believe the embargo law of 1807 unconstitutional—as conscientiously, certainly, as the people of South Carolina hold that opinion of the tariff. They reasoned thus: Congress has power to regulate commerce; but here is a law, they said, stopping all commerce, and stopping it indefinitely. The law is perpetual, therefore, as the law against treason or murder. Now, is this regulating commerce, or destroying it? Is it guiding, controlling, giving the rule to commerce, as a subsisting thing, or is it putting an end to it altogether? Nothing is more certain than that a majority in New England deemed this law a violation of the Constitution. This very case required by the gentleman to justify State interference, had then arisen. Massachusetts believed this law to be "*a deliberate, palpable, and dangerous exercise of a power not granted by the Constitution.*" Deliberate it was, for it was long continued; palpable she thought it, as no words in the Constitution gave the power, and only a construction, in her opinion most violent, raised it; dan-

gerous it was, since it threatened utter ruin to her most important interests. Here, then, was a Carolina case. How did Massachusetts deal with it? It was, as she thought, a plain, manifest, palpable violation of the Constitution; and it brought ruin to her doors. Thousands of families, and hundreds of thousands of individuals were beggared by it. While she saw and felt all this, she saw and felt, also, that, as a measure of national policy, it was perfectly futile; that the country was no way benefited by that which caused so much individual distress; that it was efficient only for the production of evil, and all that evil inflicted on ourselves. In such a case, under such circumstances, how did Massachusetts demean herself? Sir, she remonstrated, she memorialized, she addressed herself to the general government, not exactly "with the concentrated energy of passion," but with her strong sense, and the energy of sober conviction. But she did not interpose the arm of her power to arrest the law, and break the embargo. Far from it. Her principles bound her to two things; and she followed her principles, lead where they might. First, to submit to every constitutional law of Congress; and, secondly, if the constitutional validity of the law be doubted, to refer that question to the decision of the proper tribunals. The first principle is vain and ineffectual without the second. A majority of us in New England believe the embargo law unconstitutional; but the great question was, and always will be, in such cases, Who is to decide this? Who is to judge between the people and the Government? And, sir, it is quite plain that the Constitution of the United States confers on the Government itself, to be exercised by its appropriate department, this power of deciding, ultimately and conclusively, upon the just extent of its own authority. If this had not been done, we should not have advanced a single step beyond the old confederation.

Being fully of opinion that the embargo law

was unconstitutional, the people of New England were yet equally clear in the opinion—it was a matter they did not doubt upon—that the question, after all, must be decided by the judicial tribunals of the United States. Before those tribunals, therefore, they brought the question. Under the provisions of the law, they had given bonds, to millions in amount, and which were alleged to be forfeited. They suffered the bonds to be sued, and thus raised the question. In the old-fashioned way of settling disputes, they went to law. The case came to hearing and solemn argument; and he who espoused their cause, and stood up for them against the validity of the act, was none other than that great man, of whom the gentleman has made honorable mention, SAMUEL DEXTER. He was then, sir, in the fullness of his knowledge and the maturity of his strength. He had retired from long and distinguished public service here, to the renewed pursuit of professional duties; carrying with him all that enlargement and expansion, all the new strength and force, which an acquaintance with the more general subjects discussed in the national councils, is capable of adding to professional attainment in a mind of true greatness and comprehension. He was a lawyer, and he was also a statesman. He had studied the Constitution, when he filled public station, that he might defend it; he had examined its principles, that he might maintain them. More than all men, or at least as much as any man, he was attached to the general government, and to the union of the States. His feelings and opinions all ran in that direction. A question of constitutional law,\* too, was, of all subjects, that one which was best suited to his talents and learning. Aloof from technicality, and unfettered by artificial rule, such a question gave opportunity for that deep and clear analysis, that mighty grasp of principle, which so much distinguished his higher efforts. His very statement was argument; his inference seemed demonstration. The earnestness of his

own conviction wrought conviction in others. One was convinced, and believed, and consented, because it was gratifying, delightful, to think, and feel, and believe, in unison with an intellect of such evident superiority.

Mr. Dexter, sir, such as I have described him, argued the New England cause. He put into his effort his whole heart, as well as all the powers of his understanding; for he had avowed, in the most public manner, his entire concurrence with his neighbors on the point in dispute. He argued the cause; it was lost, and New England submitted. The established tribunals pronounced the law constitutional, and New England acquiesced. Now, sir, is not this the exact opposite of the doctrine of the gentleman from South Carolina? According to him, instead of referring to the judicial tribunals, we should have broken up the embargo, by laws of our own; we should have repealed it, *quoad* New England; for we had a strong, palpable, and oppressive case. Sir, we believe the embargo unconstitutional; but still that was matter of opinion, and who was to decide it? We thought it a clear case; but, nevertheless, we did not take the laws into our hands, *because we did not wish to bring about a revolution, nor to break up the Union*; for, I maintain that, between submission to the decision of the constituted tribunals, and revolution, or disunion, there is no middle ground—there is no ambiguous condition, half allegiance and half rebellion. There is no treason, *madcosy*. And, sir, how futile, how very futile it is, to admit the right of State interference, and then to attempt to save it from the character of unlawful resistance, by adding terms of qualification to the causes and occasions, leaving all the qualifications, like the case itself, in the discretion of the State Governments. It must be a clear case, it is said; a deliberate case; a palpable case; a dangerous case. But, then, the State is still left at liberty to decide for herself what is clear, what is deliberate, what is palpable, what is dangerous.

Do adjectives and epithets avail anything? Sir, the human mind is so constituted that the merits of both sides of a controversy appear very clear, and very palpable, to those who respectively espouse them, and both sides usually grow clearer as the controversy advances. South Carolina sees unconstitutionality in the tariff—she sees oppression there, also, and she sees danger. Pennsylvania, with a vision not less sharp, looks at the same tariff, and sees no such thing in it—she sees it all constitutional, all useful, all safe. The faith of South Carolina is strengthened by opposition, and she now not only sees, but *resolves*, that the tariff is palpably unconstitutional, oppressive, and dangerous; but Pennsylvania, not to be behind her neighbors, and equally willing to strengthen her own faith by a confident asseveration, *resolves* also, and gives to every warm affirmative of South Carolina, a plain, downright Pennsylvania negative. South Carolina, to show the strength and unity of her opinions, brings her assembly to a unanimity, within seven votes; Pennsylvania, not to be outdone in this respect more than others, reduces her dissentient fraction to one vote. Now, sir, again I ask the gentleman, what is to be done? Are these States both right? Is he bound to consider them both right? If not, which is in the wrong? or, rather, which has the best right to decide?

And if he, and if I, are not to know what the Constitution means, and what it is, till those two State Legislatures, and the twenty-two others, shall agree in its construction, what have we sworn to, when we have sworn to maintain it? I was forcibly struck, sir, with one reflection, as the gentleman went on with his speech. He quoted Mr. Madison's resolutions to prove that a State may interfere, in a case of deliberate, palpable, and dangerous exercise of a power not granted. The honorable member supposes the tariff law to be such an exercise of power, and that, consequently, a case has risen in which the State

may, if it see fit, interfere by its own law. Now, it so happens, nevertheless, that Madison himself deems this same tariff law quite constitutional. Instead of a clear and palpable violation, it is, in his judgment, no violation at all. So that, while they use his authority for a hypothetical case, they reject it in the very case before them. All this, sir, shows the inherent futility—I had almost used a stronger word—of conceding this power of interference to the States, and then attempting to secure it from abuse by imposing qualifications of which the States themselves are to judge. One of two things is true: either the laws of the Union are beyond the control of the States, or else we have no Constitution of general government, and are thrust back again to the days of the Confederacy.

Let me here say, sir, that if the gentleman's doctrine had been received and acted upon in New England, in the times of the embargo and non-intercourse, we should probably not now have been here. The government would very likely have gone to pieces, and crumbled into dust. No stronger case can ever arise than existed under those laws; no States can ever entertain a clearer conviction than the New England States then entertained; and, if they had been under the influence of that heresy of opinion, as I must call it, which the honorable member espouses, this Union would, in all probability, have been scattered to the four winds. I ask the gentleman, therefore, to apply his principles to that case; I ask him to come forth and declare whether, in his opinion, the New England States would have been justified in interfering to break up the embargo system, under the conscientious opinions which he held upon it. Had they a right to annul that law? Does he admit, or deny? If that which is thought palpably unconstitutional in South Carolina justifies that State in arresting the progress of the law, tell me whether that which was thought palpably unconstitutional

also in Massachusetts would have justified her in doing the same thing. Sir, I deny the whole doctrine. It has not a foot of ground in the Constitution to stand on. No public man of reputation ever advanced it in Massachusetts, in the warmest times, or could maintain himself upon it there at any time.

I wish now, sir, to make a remark upon the Virginia resolutions of 1798. I cannot undertake to say how these resolutions were understood by those who passed them. Their language is not a little indefinite. In the case of the exercise, by Congress, of a dangerous power, not granted to them, the resolutions assert the right, on the part of the State, to interfere, and arrest the progress of the evil. This is susceptible of more than one interpretation. It may mean no more than that the States may interfere by complaint and remonstrance, or by proposing to the people an alteration of the Federal Constitution. This would all be quite unobjectionable; or it may be that no more is meant than to assert the general right of revolution, as against all governments, in cases of intolerable oppression. This no one doubts; and this, in my opinion, is all that he who framed these resolutions could have meant by it; for I shall not readily believe that he was ever of opinion that a State, under the Constitution, and in conformity with it, could, upon the ground of her own opinion of its unconstitutionality, however clear and palpable she might think the case, annul a law of Congress, so far as it should operate on herself, by her own legislative power.

I must now beg to ask, sir, Whence is this supposed right of the States derived? Where do they get the power to interfere with the laws of the Union? Sir, the opinion which the honorable gentleman maintains is a notion founded in a total misapprehension, in my judgment, of the origin of this government, and of the foundation on which it stands. I hold it to be a popular government, erected by the



people, those who administer it responsible to the people, and itself capable of being amended and modified, just as the people may choose it should be. It is as popular, just as truly emanating from the people, as the State governments. It is created for one purpose; the State governments for another. It has its own powers; they have theirs. There is no more authority with them to arrest the operation of a law of Congress, than with Congress to arrest the operation of their laws. We are here to administer a Constitution emanating immediately from the people, and trusted by them to our administration. It is not the creature of the State governments. It is of no moment to the argument that certain acts of the State Legislatures are necessary to fill our seats in this body. That is not one of their original State powers, a part of the sovereignty of the State. It is a duty which the people, by the Constitution itself, have imposed on the State Legislatures, and which they might have left to be performed elsewhere, if they had seen fit. So they have left the choice of President with electors; but all this does not affect the proposition that this whole government—President, Senate, and House of Representatives—is a popular government. It leaves it still all its popular character. The Governor of a State (in some of the States) is chosen, not directly by the people, for the purpose of performing, among other duties, that of electing a Governor. Is the government of the State, on that account, not a popular government? This government, sir, is the independent offspring of the popular will. It is not the creature of State Legislatures; nay, more, if the whole truth must be told, the people brought it into existence, established it, and have hitherto supported it, for the very purpose, amongst others, of imposing certain salutary restraints on State sovereignties. The States cannot now make war; they cannot contract alliances; they cannot make, each for itself, separate regulations

of commerce; they cannot lay imposts; they cannot coin money. If this Constitution, sir, be the creature of State Legislatures, it must be admitted that it has obtained a strange control over the volition of its creators.

The people then, sir, erected this government. They gave it a Constitution, and in that Constitution they have enumerated the powers which they bestow on it. They have made it a limited government. They have defined its authority. They have restrained it to the exercise of such powers as are granted; and all others, they declare, are reserved to the States or the people. But, sir, they have not stopped here. If they had, they would have accomplished but half their work. No definition can be so clear as to avoid possibility of doubt; no limitation so precise as to exclude all uncertainty. Who, then, shall construe this grant of the people? Who shall interpret their will, where it may be supposed they have left it doubtful? With whom do they leave this ultimate right of deciding on the powers of the government? Sir, they have settled all this in the fullest manner. They have left it with the government itself, in its appropriate branches. Sir, the very chief end, the main design for which the whole Constitution was framed and adopted, was to establish a government that should not be obliged to act through State agency, or depend on State opinion and discretion. The people had had quite enough of that kind of government under the Confederacy. Under that system, the legal action—the application of law to individuals—belonged exclusively to the States. Congress could only recommend—their acts were not of binding force till the States had adopted and sanctioned them. Are we in that condition still? Are we yet at the mercy of State discretion and State construction? Sir, if we are, then vain will be our attempt to maintain the Constitution under which we sit.

But, sir, the people have wisely provided, in

the Constitution itself, a proper, suitable mode and tribunal for settling questions of constitutional law. There are, in the Constitution, grants of powers to Congress, and restrictions on those powers. There are also prohibitions on the States. Some authority must, therefore, necessarily exist, having the ultimate jurisdiction to fix and ascertain the interpretation of these grants, restrictions and prohibitions. The Constitution has itself pointed out, ordained, and established that authority. How has it accomplished this great and essential end? By declaring, sir, that "*the Constitution and the laws of the United States, made in pursuance thereof, shall be the supreme law of the land, anything in the Constitution or laws of any State to the contrary notwithstanding.*"

This, sir, was the first great step. By this, the supremacy of the Constitution and laws of the United States is declared. The people so will it. No State law is to be valid which comes in conflict with the Constitution, or any law of the United States. But who shall decide this question of interference? To whom lies the last appeal? This, sir, the Constitution itself decides also, by declaring "*that the judicial power shall extend to all cases arising under the Constitution and laws of the United States.*" These two provisions, sir, cover the whole ground. They are, in truth, the keystone of the arch. With these, it is a government; without them, it is a Confederacy. In pursuance of these clear and express provisions, Congress established, at its very first session, in the judicial act, a mode for carrying them into full effect, and for bringing all questions of constitutional power to the final decision of the Supreme Court. It then, sir, became a government. It then had the means of self-protection; and but for this, it would, in all probability, have been now among things which are passed. Having constituted the government, and declared its powers, the people have further said that, since somebody must decide

on the extent of these powers, the government shall itself decide—subject always, like other popular governments, to its responsibility to the people. And now, sir, I repeat, how is it that a State Legislature acquires any right to interfere? Who, or what, gives them the right to say to the people, "We, who are your agents and servants for one purpose, will undertake to decide that your other agents and servants, appointed by you for another purpose, have transcended the authority you gave them?" The reply would be, I think, not impertinent, "Who made you a judge over another's servants? To their own masters they stand or fall."

Sir, I deny this power of State Legislatures altogether. It cannot stand the test of examination. Gentlemen may say that, in an extreme case, a State government might protect the people from intolerable oppression. Sir, in such a case, the people might protect themselves, without the aid of the State governments. Such a case warrants revolution. It must make, when it comes, a law for itself. A nullifying act of a State Legislature cannot alter the case, nor make resistance any more lawful. In maintaining these sentiments, sir, I am but asserting the rights of the people. I state what they have declared, and insist on their right to declare it. They have chosen to repose this power in the general government, and I think it my duty to support it, like other constitutional powers.

For myself, sir, I doubt the jurisdiction of South Carolina, or any other State, to prescribe my constitutional duty, or to settle, between me and the people, the validity of laws of Congress for which I have voted. I decline her umprage. I have not sworn to support the Constitution according to her construction of its clauses. I have not stipulated, by my oath of office or otherwise, to come under any responsibility, except to the people and those whom they have appointed to pass upon the question, whether the laws, supported by my votes, conform to

the Constitution of the country. And, sir, if we look to the general nature of the case, could anything have been more preposterous than to have made a government for the whole Union, and yet left its powers subject, not to one interpretation, but to thirteen or twenty-four interpretations? Instead of one tribunal, established by all, responsible to all, with power to decide for all, shall constitutional questions be left to four and twenty popular bodies, each at liberty to decide for itself, and none bound to respect the decisions of others; and each at liberty, too, to give a new construction on every new election of its own members? Would anything, with such a principle in it, or rather with such a destitution of all principle, be fit to be called a government? No, sir. It should not be denominated a Constitution. It should be called, rather, a collection of topics for everlasting controversy; heads of debate for a disputatious people. It would not be a government. It would not be adequate to any practical good, nor fit for any country to live under. To avoid all possibility of being misunderstood, allow me to repeat again, in the fullest manner, that I claim no powers for the government by forced or unfair construction. I admit that it is a government of strictly limited powers; of enumerated, specified, and particularized powers; and that whatsoever is not granted, is withheld. But, notwithstanding all this, and however the grant of powers may be expressed, its limits and extent may yet, in some cases, admit of doubt; and the general government would be good for nothing, it would be incapable of long existence, if some mode had not been provided in which those doubts, as they should arise, might be peaceably, but not authoritatively, solved.

And now, Mr. President, let me run the honorable gentleman's doctrine a little into its practical application. Let us look at his probable *modus operandi*. If a thing can be done, an ingenious man can tell *how* it is to be done. Now,

I wish to be informed *how* this State interference is to be put in practice. We will take the existing case of the tariff law. South Carolina is said to have made up her opinion upon it. If we do not repeal it (as we probably shall not), she will then apply to the case the remedy of her doctrine. She will, we must suppose, pass a law of her Legislature, declaring the several acts of Congress, usually called the tariff laws, null and void, so far as they respect South Carolina, or the citizens thereof. So far, all is a paper transaction, and easy enough. But the collector at Charleston is collecting the duties imposed by these tariff laws—he, therefore, must be stopped. The collector will seize the goods if the tariff duties are not paid. The State authorities will undertake their rescue; the marshal, with his posse, will come to the collector's aid; and here the contest begins. The militia of the State will be called out to sustain the nullifying act. They will march, sir, under a very gallant leader; for I believe the honorable member himself commands the militia of that part of the State. He will raise the NULLIFYING ACT on his standard, and spread it out as his banner. It will have a preamble, bearing that the tariff laws are palpable, deliberate, and dangerous, violations of the Constitution. He will proceed, with his banner flying, to the custom house in Charleston,—

"all the while

Sonorous metal blowing martial sounds."

Arrived at the custom house, he will tell the collector that he must collect no more duties under any of the tariff laws. This he will be somewhat puzzled to say, by the way, with a grave countenance, considering what hand South Carolina herself had in that of 1816. But, sir, the collector would, probably, not desist at his bidding. Here would ensue a pause; for they say, that a certain stillness precedes a tempest. Before this military array should fall on custom house, collector, clerks, and all,

it is very probable some of those composing it would request of their gallant commander-in-chief to be informed a little upon the point of law; for they have, doubtless, a just respect for his opinion as a lawyer, as well as for his bravery as a soldier. They know he has read Blackstone and the Constitution, as well as Turenne and Vauban. They would ask him, therefore, something concerning their rights in this matter. They would inquire whether it was not somewhat dangerous to resist a law of the United States. What would be the nature of their offence, they would wish to learn, if they, by military force and array, resisted the execution in Carolina of a law of the United States, and it should turn out, after all, that the law *was constitutional*. He would answer, of course, treason. No lawyer could give any other answer. John Fries, he would tell them, had learned that some years ago. How, then, they would ask, do you propose to defend us? We are not afraid of bullets, but treason has a way of taking people off that we do not much relish. How do you propose to defend us? "Look at my floating banner," he would reply; "see there the *nullifying law!*" Is it your opinion, gallant commander, they would then say, that if we should be indicted for treason, that same floating banner of yours would make a good plea in bar? "South Carolina is a sovereign State," he would reply. That is true; but would the judge admit our plea? "These tariff laws," he would repeat, "are unconstitutional, palpably, deliberately, dangerously." That all may be so; but if the tribunals should not happen to be of that opinion, shall we swing for it? We are ready to die for our country, but it is rather an awkward business, this dying without touching the ground. After all, this is a sort of *hemp-tax*, worse than any part of the tariff.

Mr. President, the honorable gentleman would be in a dilemma like that of another great general. He would have a knot before him, which he could not untie. He must cut it

with his sword. He must say to his followers, Defend yourselves with your bayonets; and this is war—civil war.

Direct collision, therefore, between force and force, is the unavoidable result of that remedy for the revision of unconstitutional laws, which the gentleman contends for. It must happen in the very first case to which it is applied. Is not this the plain result? To resist, by force, the execution of a law, generally, is treason. Can the courts of the United States take notice of the indulgence of a State to commit treason? The common saying, that a State cannot commit treason herself, is nothing to the purpose. Can it authorize others to do it? If John Fries had produced an act of Pennsylvania, annulling the law of Congress, would it have helped his case? Talk about it as we will, these doctrines go the length of revolution. They are incompatible with any peaceable administration of the government. They lead directly to disunion and civil commotion; and therefore it is, that, at the commencement, when they are first found to be maintained by respectable men, and in a tangible form, that I enter my public protest against them all.

The honorable gentleman argues that, if this government be the sole judge of the extent of its own powers, whether that right of judging be in Congress or the Supreme Court, it equally subverts State sovereignty. This the gentleman sees, or thinks he sees, although he cannot perceive how the right of judging in this matter, if left to the exercise of State Legislatures, has any tendency to subvert the government of the Union. The gentleman's opinion may be that the right *ought not* to have been lodged with the general government; he may like better such a Constitution as we should have under the right of State interference; but I ask him to meet me on the plain matter of fact—I ask him to meet me on the Constitution itself—I ask him if the power is not there—clearly and visibly found there.

But, sir, what is this danger, and what the grounds of it? Let it be remembered that the Constitution of the United States is not unalterable. It is to continue in its present form no longer than the people who established it shall choose to continue it. If they shall become convinced that they have made an injudicious or inexpedient partition and distribution of power between the State governments and the general government, they can alter that distribution at will.

If anything be found in the national Constitution, either by original provision or subsequent interpretation, which ought not to be in it, the people know how to get rid of it. If any construction be established, unacceptable to them, so as to become, practically, a part of the Constitution, they will amend it at their own sovereign pleasure. But, while the people choose to maintain it as it is, while they are satisfied with it, and refuse to change it, who has given, or who can give, to the State Legislatures a right to alter it, either by interference, construction, or otherwise? Gentlemen do not seem to recollect that the people have any power to do anything for themselves; they imagine there is no safety for them any longer than they are under the close guardianship of the State Legislatures. Sir, the people have not trusted their safety, in regard to the general Constitution, to these hands; they have required other security, and taken other bonds. They have chosen to trust themselves, first to the plain words of the instrument, and to such construction as the government itself, in doubtful cases, should put on its own powers, under their oaths of office, and subject to their responsibility to them; just as the people of a State trust their own State governments with a similar power. Secondly, they have reposed their trust in the efficacy of frequent elections, and in their own power to remove their own servants and agents, whenever they see cause. Thirdly, they have reposed trust in the

judicial power, which, in order that it might be trustworthy, they have made as respectable, as disinterested, and as independent, as practicable. Fourthly, they have seen fit to rely, in cases of necessity, or high expediency, on their known and admitted power to alter or amend the Constitution, peaceably and quietly, whenever experience shall point out defects or imperfections. And, finally, the people of the United States have at no time, in no way, directly or indirectly, authorized any State legislature to construe or interpret *their* instrument of government; much less to interfere, by their own power, to arrest its course and operation.

If sir, the people, in these respects, had done otherwise than they have done, their Constitution could neither have been preserved, nor would it have been worth preserving. And if its plain provision shall now be disregarded, and these new doctrines interpolated in it, it will become as feeble and helpless a being as enemies, whether early or more recent, could possibly desire. It will exist in every State, but as a poor dependent on State permission. It must borrow leave to be, and will be, no longer than State pleasure, or State discretion, sees fit to grant the indulgence, and to prolong its poor existence.

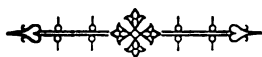
But, sir, although there are fears, there are hopes also. The people have preserved this, their own chosen Constitution, for forty years, and have seen their happiness, prosperity, and renown grow with its growth, and strengthen with its strength. They are now, generally, strongly attached to it. Overthrown by direct assault, it cannot be; evaded, undermined, *NULLED*, it will not be, if we, and those who shall succeed us here, as agents and representatives of the people, shall conscientiously and vigilantly discharge the two great branches of our public trust—faithfully to preserve, and wisely to administer it.

Mr. President, I have thus stated the reasons of my dissent to the doctrines which have been


advanced and maintained. I am conscious of having detained you and the Senate much too long. I was drawn into the debate with no previous deliberation, such as is suited to the discussion of so grave and important a subject. But it is a subject of which my heart is full, and I have not been willing to suppress the utterance of its spontaneous sentiments.

I cannot, even now, persuade myself to relinquish it, without expressing once more my deep conviction that, since it respects nothing less than the Union of the States, it is of most vital and essential importance to the public happiness. I profess, sir, in my career hitherto, to have kept steadily in view the prosperity and honor of the whole country, and the preservation of our Federal Union. It is to that Union we owe our safety at home, and our consideration and dignity abroad. It is to that Union we are chiefly indebted for whatever makes us most proud of our country. That Union we reached only by the discipline of our virtues in the severe school of adversity. It had its origin in the necessities of disordered finance, prostrate commerce, and ruined credit. Under its benign influences, these great interests immediately awoke, as from the dead, and sprang forth with newness of life. Every year of its duration has teemed with fresh proofs of its utility and its blessings; and, although our territory has stretched out wider and wider, and our population spread farther and farther, they have not outrun its protection or its benefits. It has been to us all a copious fountain of national, social, personal happiness. I have not allowed myself, sir, to look beyond the Union, to see what might lie hidden in the dark recess behind. I have not coolly weighed the chances of preserving liberty, when the bonds that unite us together shall

be broken asunder. I have not accustomed myself to hang over the precipice of disunion, to see whether, with my short sight, I can fathom the depth of the abyss below; nor could I regard him as a safe counselor in the affairs of this government, whose thoughts should be mainly bent on considering, not how the Union should be best preserved, but how tolerable might be the condition of the people when it shall be broken up and destroyed. While the Union lasts, we have high, exciting, gratifying prospects spread out before us, for us and our children. Beyond that I seek not to penetrate the veil. God grant that in my day, at least, that curtain may not rise. God grant that on my vision never may be opened what lies behind. When my eyes shall be turned to behold, for the last time, the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood! Let their last feeble and lingering glance, rather, behold the gorgeous ensign of the republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original luster, not a stripe erased or polluted, not a single star obscured—bearing for its motto no such miserable interrogatory as, *What is all this worth?* nor those other words of delusion and folly, *Liberty first, and Union afterward*; but everywhere, spread all over in characters of living light, blazing on all its ample folds as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart—*Liberty and Union, now and forever, one and inseparable!*



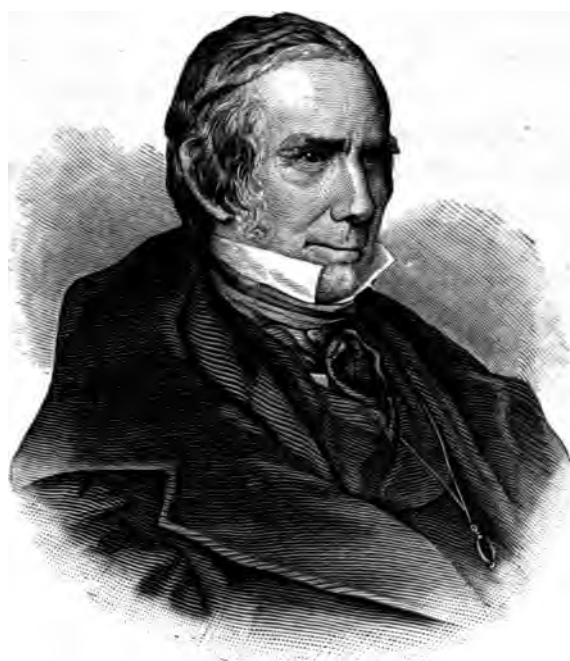
## HENRY CLAY.

ENRY CLAY, the subject of this short sketch, was born near Richmond, Virginia, April 12, 1777. His parents were poor, and his father, a Baptist minister, died when Henry was but five years old. His mother was a woman of fine character, and trained her son to walk in the ways of honesty and virtue, though his early literary culture was quite limited.

He served four years as copyist in the office of the clerk of the high court of chancery, in Richmond, which position he left to enter upon the study of law, in the office of Robert Brooke, then attorney-general, and afterward governor of the State. In 1797, though but twenty years of age, he was admitted to the bar, and two years later established himself for the practice of his profession in Lexington, Kentucky. When, soon after, a convention was called for revising the constitution of the State, young Clay favored the gradual abolition of slavery. Such a position, at that time, was sufficient to render any man who advocated it in that State, unpopular, but the stand which Clay took in op-

position to the alien and sedition laws, combined with his persuasive powers as an orator, restored him to public favor, and he was soon after chosen a member of the State Legislature, and three years later, 1806, he was, on the resignation of General John Adair, chosen to a seat in the United States Senate, being then scarce thirty years of age. It was but for a short term, yet it showed the popularity of the man.

In 1807 he was again elected to the State Legislature, and was, in 1809, elected to fill another term in the United States Senate, this time for a period of two years. In 1811 he was chosen to represent his district in the lower House of Congress, and on the first day of the session was elected Speaker of the House, which position he retained until 1814, when he was appointed one of the commissioners to negotiate a peace with Great Britain. The duties of this position he performed with marked ability. The British give him credit with having secured the erasure of the clause allowing the ships of Great Britain the free navigation of the Mississippi. During



HENRY CLAY.

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his absence he was re-elected to Congress, and, on the assembling of that body, was again chosen Speaker of the House, in which capacity he served until 1821, and to which he was again chosen in 1823.

Mr. Clay was five times an aspirant for presidential honors; three times seeking the nomination, but failing to secure it; twice nominated, but failing of an election. He was Secretary of State to President J. Q. Adams from 1825 to 1829.

In 1831 Mr. Clay was elected to the Senate, and continued a member of that body, by re-election, until 1842, when he resigned the office. Seven years later he was again returned to the Senate, and took a leading part in the controversy and compromise measures connected with the admission of California as a State.

Mr. Clay's public life was long and eventful. In all positions he approved himself a man of sterling qualities of head and heart. He left the impress of his strong genius upon the history of his country, and aided very materially in shaping and coloring that history.

From the time he entered public life until his death, the question of slavery agitated the country. Time and again it seemed about to disrupt the Union, in order that it might secure permanent lease of life. Much as Mr. Clay desired the abolition of the system, he introduced various compromise measures to prevent the question's coming to final adjustment, as long as he was spared to advise and act.

He was a strong supporter of protection to home industries, and labored faithfully for the advancement of internal improvements.

He was an ardent lover of the Union, and held to the sovereignty of the general government, while a believer, to some extent, in the theory of "State's Rights." Whatever opinion may be held with regard to Mr. Clay's political consistency and wisdom, no one can deny his genius and power as a public leader, the fine qualities of his head and heart, and the virtues of his private life.

He died at the age of seventy-five years, June 29, 1852.



## THE AMERICAN PROTECTIVE SYSTEM.

*Mr. Clay's Speech, delivered in the United States Senate in 1839.*

MR. PRESIDENT: In one sentiment expressed by the honorable gentleman from South Carolina (General Hayne), though perhaps not in the sense intended by him, I entirely concur. I agree with him, that the decision on the system of policy embraced in this debate, involves the future destiny of this growing country. One way, I verily believe, it would lead to deep and general distress, general bankruptcy, and national ruin, without benefit to any part of the Union; the other, the existing prosperity will be preserved and augmented, and the nation will continue rapidly to advance in wealth, power, and greatness, without prejudice to any section of the confederacy.

Thus viewing the question, I stand here as the humble but zealous advocate, not of the interests of one State, or seven States only, but of the whole Union. And never before have I felt more intensely the overpowering weight of that share of responsibility which belongs to me in these deliberations. Never before have I had more occasion than I now have to lament my want of those intellectual powers, the possession of which might enable me to unfold to this Senate, and to illustrate to this people, great truths, intimately connected with the lasting welfare of my country. I should, indeed, sink overwhelmed and subdued beneath the appalling magnitude of the task which lies before me, if I did not feel myself sustained and fortified by a thorough consciousness of the justness of the cause which I have espoused, and by a persuasion I hope not presumptuous, that it has the approbation of that Providence who has so often smiled upon these United States.

Eight years ago it was my painful duty to

present to the other House of Congress, an unexaggerated picture of the general distress pervading the whole land. We must all yet remember some of its frightful features. We all know that the people were then oppressed and borne down by an enormous load of debt; that the value of property was at the lowest point of depression; that ruinous sales and sacrifices were everywhere made of real estate; that stop laws, and relief laws, and paper money were adopted to save the people from impending destruction; that a deficit in the public revenue existed, which compelled government to seize upon, and divert from its legitimate object, the appropriations to the sinking fund, to redeem the national debt; and that our commerce and navigation were threatened with a complete paralysis. In short, sir, if I were to select any term of seven years since the adoption of the present Constitution, which exhibited a scene of the most wide-spread dismay and desolation, it would be exactly that term of seven years which immediately preceded the establishment of the tariff of 1824.

I have now to perform the more pleasing task of exhibiting an imperfect sketch of the existing state of the unparalleled prosperity of the country. On a general survey, we behold cultivation extended, the arts flourishing, the face of the country improved, our people fully and profitably employed, and the public countenance exhibiting tranquillity, contentment, and happiness. And if we descend into particulars, we have the agreeable contemplation of a people out of debt, land rising slowly in value, but in a secure and salutary degree; a ready, though not extravagant, market for all the surplus pro-

ductions of our industry; innumerable flocks and herds browsing and gamboling on ten thousand hills and plains, covered with rich and verdant grasses; our cities expanded, and whole villages springing up, as it were, by enchantment; our exports and imports increasing and increasing; our tonnage, foreign and coastwise, swelling, and fully occupied; the rivers of our interior animated by the perpetual thunder and lightning of countless steamboats; the currency sound and abundant; the public debt of two wars nearly redeemed; and, to crown all, the public treasury overflowing, embarrassing Congress not to find subjects of taxation, but to select the objects which shall be liberated from the impost. If the term of seven years were to be selected, of the greatest prosperity which this people have enjoyed since the establishment of their present Constitution, it would be exactly that period of seven years which immediately followed the passage of the tariff of 1824.

This transformation of the condition of the country, from gloom and distress to brightness and prosperity, has been mainly the work of American legislation, fostering American industry, instead of allowing it to be controlled by foreign legislation, cherishing foreign industry. The foes of the American System, in 1824, with great boldness and confidence, predicted, First, the ruin of the public revenue, and the *creation of a necessity* to resort to direct taxation. The gentleman from South Carolina (General Hayne), I believe, thought that the tariff of 1824 would operate a reduction of revenue to the large amount of eight millions of dollars. Second, the destruction of our navigation. Third, the desolation of commercial cities. And, fourth, the augmentation of the price of objects of consumption, and further decline in that of the articles of our exports. Every prediction which they made has failed—utterly failed. Instead of the ruin of the public revenue, with which they then sought

to deter us from the adoption of the American System, we are now threatened with its subversion, the vast amount of the public revenue produced by that system. Every branch of our navigation has increased.

While we thus behold the entire failure of all that was foretold against the system, it is a subject of just felicitation to its friends, that all their anticipations of its benefits have been fulfilled, or are in progress of fulfillment. The honorable gentleman from South Carolina has made an allusion to a speech made by me, in 1824, in the other House, in support of the tariff, and to which, otherwise, I should not have particularly referred. But I would ask any one, who can now command the courage to pursue that long production, what principle there laid down is not true? What prediction then made has been falsified by practical experience?

It is now proposed to abolish the system to which we owe so much of the public prosperity, and it is urged that the arrival of the period of the redemption of the public debt has been confidently looked to as presenting a suitable occasion to rid the country of evils with which the system is alleged to be fraught. Not an inattentive observer of passing events, I have been aware that, among those who were most early in pressing the payment of the public debt, and upon that ground were opposing appropriations to other great interests, there were some who cared less about the debt than the accomplishment of other objects. But the people of the United States have not coupled the payment of *their* public debt with the destruction of the protection of *their* industry, against foreign laws and foreign industry. They have been accustomed to regard the extinction of the public debt as relief from a burthen, and not as the infliction of a curse. If it is to be attended or followed by the subversion of the American System, and an exposure of our establishments and our productions to the unguarded conse-

quences of the selfish policy of foreign powers, the payment of the public debt will be the bitterest of curses. Its fruit will be like the fruit

"Of that forbidden tree, whose mortal taste  
Brought death into the world, and all our woe,  
With loss of Eden."

If the system of protection be founded on principles erroneous in theory, pernicious in practice—above all, if it be unconstitutional, as is alleged, it ought to be forthwith abolished, and not a vestige of it suffered to remain. But, before we sanction this sweeping denunciation, let us look a little at this system, its magnitude, its ramifications, its duration, and the high authorities which have sustained it. We shall see that its foes will have accomplished comparatively nothing after having achieved their present aim of breaking down our iron-foundries, our woolen, cotton, and hemp manufactories, and our sugar plantations. The destruction of these would, undoubtedly, lead to the sacrifice of immense capital, the ruin of many thousands of our fellow citizens, and incalculable loss to the whole community. But their prostration would not disfigure, nor produce greater effect upon the *whole* system of protection, in all its branches, than the destruction of the beautiful domes upon the capitol would occasion to the magnificent edifice which they surmount. Why, sir, there is scarcely an interest, scarcely a vocation in society, which is not embraced by the beneficence of this system.

It comprehends our coasting tonnage and trade, from which all foreign tonnage is absolutely excluded.

It includes all our foreign tonnage, with the inconsiderable exception made by treaties of reciprocity with a few foreign powers.

It embraces our fisheries, and all our hardy and enterprising fishermen.

It extends to almost every mechanic art.

It extends to all lower Louisiana, the Delta of which might as well be submerged again in

the Gulf of Mexico, from which it has been a gradual conquest, as now to be deprived of the protecting duty upon its great staple.

It affects the cotton planter himself, and tobacco planter, both of whom enjoy protection.

Such are some of the items of this vast system of protection, which it is now proposed to abandon. We might well pause and contemplate, if human imagination could conceive the extent of mischief and ruin from its total overthrow, before we proceed to the work of destruction. Its duration is worthy, also, of serious consideration. Not to go behind the Constitution, its date is coeval with that instrument. It began on the ever memorable fourth day of July—the fourth day of July, 1789. The second act, which stands recorded in the statute book, bearing the illustrious signature of George Washington, laid the corner-stone of the whole system. That there might be no mistake about the matter, it was then solemnly proclaimed to the American people, and to the world, that it was *necessary* for "the encouragement and *protection* of manufactures," that duties should be laid. It is in vain to urge the small amount of the measure of the protection thus extended. The great principle was then established by the fathers of the Constitution, with the father of his country at their head. And it cannot now be questioned that, if the government had not then been new, and the subject untried, a greater measure of protection would have been applied, if it had been supposed necessary. Shortly after, the master minds of Jefferson and Hamilton were brought to act on this interesting subject. Taking views of it appertaining to the departments of foreign affairs, and of the treasury, which they respectively filled, they presented, severally, reports which yet remain monuments of their profound wisdom, and came to the same conclusion of protection to American industry. Mr. Jefferson argued that foreign restrictions, foreign prohibitions, and foreign high duties, ought to be met at home by

American restrictions, American prohibitions, and American high duties. Mr. Hamilton, surveying the entire ground, and looking at the inherent nature of the subject, treated it with an ability which, if ever equaled, has not been surpassed, and earnestly recommended protection.

The wars of the French Revolution commenced about this period, and streams of gold poured into the United States through a thousand channels, opened or enlarged by the successful commerce which our neutrality enabled us to prosecute. We forgot, or overlooked, in the general prosperity, the necessity of encouraging our domestic manufactures. Then came the edicts of Napoleon, and the British orders in council; and our embargo, non-intercourse, non-importation, and war, followed, in rapid succession. These national measures, amounting to a total suspension, for the period of their duration, of our foreign commerce, afforded the most efficacious encouragement to American manufacturers; and, accordingly, they everywhere sprung up. While these measures of restriction, and this state of war continued, the manufacturers were stimulated in their enterprise by every assurance of support, by public sentiment, and by legislative resolves. It was about that period (1808) that South Carolina bore her high testimony to the wisdom of the policy, in an act of her Legislature, the preamble of which, now before me, reads:

"Whereas, the establishment and *encouragement* of domestic manufactures is conducive to the interests of a State, by adding new *incentives to industry*, and as being the means of disposing to advantage the surplus productions of the *agriculturist*; and, whereas, in the present unexampled state of the world, their establishment in our country is not only *expedient*, but politic in rendering us *independent* of foreign nations."

The legislature, not being competent to afford the most efficacious aid, by imposing duties on

foreign rival articles, proceeded to incorporate a company.

Peace, under the Treaty of Ghent, returned in 1815, but there did not return with it the golden days which preceded the edicts leveled at our commerce by Great Britain and France. It found all Europe tranquilly resuming the arts and business of civil life. It found Europe no longer the consumer of our surplus, and the employer of our navigation, but excluding, or heavily burthening, almost all the productions of our agriculture, and our rivals in manufactures, in navigation, and in commerce. It found our country, in short, in a situation totally different from all the past—new and untried. It became necessary to adapt our laws, and especially our laws of impost, to the new circumstances in which we found ourselves. Accordingly, that eminent and lamented citizen, then at the head of the treasury (Mr. Dallas), was required, by a resolution of the House of Representatives, under date the twenty-third day of February, 1815, to prepare and report to the succeeding session of Congress a system of revenue conformable with the actual condition of the country. He had the circle of a whole year to perform the work, consulted merchants, manufacturers, and other practical men, and opened an extensive correspondence. The report which he made at the session of 1816 was the result of his inquiries and reflections, and embodies the principles which he thought applicable to the subject. It has been said that the tariff of 1816 was a measure of mere revenue, and that it only reduced the war duties to a peace standard. It is true that the question then was, how much and in what way should the double duties of the war be reduced? Now, also, the question is, on what articles shall the duties be reduced so as to subject the amounts of the future revenue to the wants of the government? Then it was deemed an inquiry of the first importance, as it should be now, how the reduction should be made, so

as to secure proper encouragement to our domestic industry. That this was a leading object in the arrangement of the tariff of 1816, I well remember, and it is demonstrated by the language of Mr. Dallas. He says in his report:

"There are few, if any, governments which do not regard the establishment of domestic manufactures as a chief object of public policy. The United States have *always* so regarded it. The demands of the country, while the acquisitions of supplies from foreign nations was either prohibited or impracticable, may have afforded sufficient inducement for this investment of capital, and this application of labor, but the inducement, in its necessary extent, must fail when the day of *competition* returns. Upon that change in the condition of the country, the preservation of the manufactures, which private citizens, under favorable auspices, have constituted the property of the nation, becomes a consideration of general policy, to be resolved by a recollection of past embarrassments; by the certainty of an increased difficulty of reinstating, upon any emergency, the manufactures which shall be allowed to perish and pass away," etc.

The measure of protection which he proposed was not adopted, in regard to some leading articles, and there was great difficulty in ascertaining what it ought to have been. But the *principle* was then distinctly asserted, and fully sanctioned.

The subject of the American System was again brought up in 1820, by the bill reported by the chairman of the committee of manufactures, now a member of the bench of the Supreme Court of the United States, and the principle was successfully maintained by the representatives of the people; but the bill which they passed was defeated in the Senate. It was revived in 1824; the whole ground carefully and deliberately explored, and the bill then introduced, receiving all the sanctions of the Constitution, became the law of the land. An

amendment of the system was proposed in 1828, to the history of which I refer with no agreeable recollections. The bill of that year, in some of its provisions, was framed on principles directly adverse to the declared wishes of the friends of the policy of protection. I have heard, without vouching for the fact, that it was so framed, upon the advice of a prominent citizen, now abroad, with the view of ultimately defeating the bill, and with assurance that, being altogether unacceptable to the friends of the American System, the bill would be lost. Be that as it may, the most exceptional features of the bill were stamped upon it, against the earnest remonstrances of the friends of the system, by the votes of Southern members, upon a principle, I think, as unsound in legislation as it is reprehensible in ethics. The bill was passed, notwithstanding all this, it having been deemed better to take the bad along with the good which it contained, than reject it altogether. Subsequent legislation has corrected the error then perpetrated, but still that measure is vehemently denounced by gentlemen who contributed to make it what it was.

Thus, sir, has this great system of protection been gradually built, stone upon stone, and step by step, from the fourth of July, 1789, down to the present period. In every stage of its progress it has received the deliberate sanction of Congress. A vast majority of the people of the United States has approved and continue to approve it. Every chief magistrate of the United States, from Washington to the present, in some form or other, has given to it the authority of his name; and, however the opinions of the existing President are interpreted south of Mason's and Dixon's line, on the north they are at least understood to favor the establishment of a *judicious* tariff.

The question, therefore, which we are now called upon to determine, is not whether we shall establish a new and doubtful system of policy, just proposed, and for the first time pre-

sented to our consideration, but whether we shall break down and destroy a long established system, patiently and carefully built up and sanctioned, during a series of years, again and again, by the nation, and its highest and most revered authorities. Are we not bound deliberately to consider whether we can proceed to this work of destruction without a violation of the public faith? The people of the United States have justly supposed that the policy of protecting their industry against foreign legislation and foreign industry, was fully settled, not by a single act, but by repeated and deliberate acts of government, performed at distant and frequent intervals. In full confidence that the policy was firmly and unchangeably fixed, thousands upon thousands have invested their capital, purchased a vast amount of real and other estate, made permanent establishments, and accommodated their industry. Can we expose to utter and irretrievable ruin this countless multitude, without justly incurring the reproach of violating the national faith?

Such are the origin, duration, extent and sanctions of the policy which we are now called upon to subvert. Its beneficial effects, although they may vary in degree, have been felt in all parts of the Union. To none, I verily believe, has it been prejudicial. In the North, everywhere, testimonials are borne to the high prosperity which it has diffused. There all branches of industry are animated and flourishing. Commerce, foreign and domestic, active; cities and towns springing up, enlarging, and beautifying; navigation fully and profitably employed, and the whole face of the country smiling with improvement, cheerfulness, and abundance.

When gentlemen have succeeded in their design of an immediate or gradual destruction of the American System, what is their substitute? Free trade! Free trade! The call for free trade is as unavailing as the cry of a spoiled child, in its nurse's arms, for the moon, or the stars that glitter in the firmament of heaven. It never

has existed, it never will exist. Trade implies at least two parties. To be free, it should be fair, equal, and reciprocal. But if we throw our ports wide open to the admission of foreign productions, free of all duty, what ports of any other foreign nation shall we find open to the free admission of our surplus produce? We may break down all barriers to free trade on our part, but the work will not be complete until foreign powers shall have removed theirs. There would be freedom on one side, and restrictions, prohibitions and exclusions on the other. The bolts, and the bars, and the chains of all other nations will remain undisturbed. It is, indeed, possible that our industry and commerce would accommodate themselves to this unequal and unjust state of things; for, such is the flexibility of our nature, that it bends itself to all circumstances. The wretched prisoner incarcerated in a jail, after a long time becomes reconciled to his solitude, and regularly notches down the passing days of his confinement.

Gentlemen deceive themselves. It is not free trade that they are recommending to our acceptance. It is, in effect, the British colonial system that we are invited to adopt; and, if their policy prevail, it will lead, substantially, to the re-colonization of these States, under the commercial dominion of Great Britain. And whom do we find some of the principal supporters, out of Congress, of this foreign system? Mr. President, there are some foreigners who always remain exotics, and never become naturalized in our country; whilst, happily, there are many others who readily attach themselves to our principles and our institutions. The honest, patient and industrious German readily unites with our people, establishes himself upon some of our fat land, fills his capacious barn, and enjoys, in tranquillity, the abundant fruits which his diligence gathers around him, always ready to fly to the standard of his adopted country, or of its laws, when called by the duties of patriotism. The gay, the versatile, the philosophic



Frenchman, accommodating himself cheerfully to all the vicissitudes of life, incorporates himself without difficulty in our society. But of all foreigners, none amalgamate themselves so quickly with our people as the natives of the Emerald Isle. In some of the visions which have passed through my imagination, I have supposed that Ireland was originally part and parcel of this continent, and that, by some extraordinary convulsion of nature, it was torn from America, and, drifting across the ocean, was placed in the unfortunate vicinity of Great Britain. The same open-heartedness; the same generous hospitality; the same careless and uncalculating indifference about human life, characterize the inhabitants of both countries. Kentucky has been sometimes called the Ireland of America. And I have no doubt that, if the current of emigration were reversed, and set from America upon the shores of Europe, instead of bearing from Europe to America, every American emigrant to Ireland would there find, as every Irish emigrant here finds, a hearty welcome and a happy home!

But I have said that the system nominally called "free trade," so earnestly and eloquently recommended to our adoption, is a mere revival of the British colonial system, forced upon us by Great Britain during the existence of our colonial vassalage. The whole system is fully explained and illustrated in a work published as far back as the year 1750, entitled "The Trade and Navigation of Great Britain Considered, by Joshua Gee," with extracts from which I have been furnished by the diligent researches of a friend. It will be seen from these that the South Carolina policy now, is identical with the long cherished policy of Great Britain, which remains the same as it was when the thirteen colonies were part of the British empire.

I regret, Mr. President, that one topic has, I think, unnecessarily been introduced into this debate. I allude to the charge brought against

the manufacturing system, as favoring the growth of aristocracy. If it were true, would gentlemen prefer supporting foreign accumulations of wealth, by that description of industry, rather than in their own country? But is it correct? The joint stock companies of the North, as I understand them, are nothing more than associations, sometimes of hundreds, by means of which the small earnings of many are brought into a common stock, and the associates, obtaining corporate privileges, are enabled to prosecute, under one superintending head, their business to better advantage. Nothing can be more essentially democratic, or better devised to counterpoise the influence of individual wealth. In Kentucky, almost every manufactory known to me, is in the hands of enterprising and self-made men, who have acquired whatever wealth they possess by patient and diligent labor. Comparisons are odious, and, but in defence, would not be made by me. But is there more tendency to aristocracy in a manufactory, supporting hundreds of freemen, or in a cotton plantation, with its not less numerous slaves, sustaining, perhaps, only two white families—that of the master and the overseer?

I pass, with pleasure, from this disagreeable topic, to two general propositions, which cover the entire ground of debate. The first is, that, under the operation of the American System, the objects which it protects and fosters are brought to the consumer at cheaper prices than they commanded prior to its introduction, or than they would command if it did not exist. If that be true, ought not the country to be contented and satisfied with the system, unless the second proposition, which I mean presently also to consider, is unfounded? And that is, that the tendency of the system is to sustain, and that it has upheld the prices of all our agricultural and other produce, including cotton.

And is the fact not indisputable, that all essential objects of consumption effected by the

tariff, are cheaper and better since the act of 1824, than they were for several years prior to that law? I appeal for its truth to common observation, and to all practical men. I appeal to the farmer of the country, whether he does not purchase on better terms his iron, salt, brown sugar, cotton goods, and woollens, for his laboring people? And I ask the cotton planter if he has not been better and more cheaply supplied with his cotton bagging? In regard to this latter article, the gentleman from South Carolina was mistaken in supposing that I complained that, under the existing duty, the Kentucky manufacturer could not compete with the Scotch. The Kentuckian furnishes a more substantial and a cheaper article, and at a more uniform and regular price. But it was the frauds, the violations of law, of which I did complain; not smuggling, in the common sense of that practice, which has something bold, daring, and enterprising in it, but mean, barefaced cheating, by fraudulent invoices and false denomination.

I plant myself upon this fact, of cheapness and superiority, as upon impregnable ground. Gentlemen may tax their ingenuity, and produce a thousand speculative solutions of the fact, but the fact itself will remain undisturbed.

This brings me to consider what I apprehend to have been the most efficient of all the causes in the reduction of the prices of manufactured articles—and that is, COMPETITION. By competition, the total amount of the supply is increased, and by increase of supply a competition in the sale ensues, and this enables the consumer to buy at lower rates. Of all human powers operating on the affairs of mankind, none is greater than that of competition. It is action and re-action. It operates between individuals in the same nation, and between different nations. It resembles the meeting of the mountain torrent, grooving, by its precipitous motion, its own channel, and ocean's tide. Unopposed, it sweeps everything before it; but,

counterpoised, the waters become calm, safe, and regular. It is like the segments of a circle or an arch; taken separately, each is nothing; but in their combination they produce efficiency, symmetry, and perfection. By the American System this vast power has been excited in America, and brought into being to act in co-operation, or collision with European industry. Europe acts within itself, and with America; and America acts within itself, and with Europe. The consequence is, the reduction of prices in both hemispheres. Nor is it fair to argue from the reduction of prices in Europe, to her own presumed skill and labor, exclusively. We affect her prices, and she affects ours. This must always be the case, at least in reference to any articles as to which there is not a total non-intercourse; and if our industry, by diminishing the demand for her supplies, should produce a diminution in the price of those supplies, it would be very unfair to ascribe that reduction to her ingenuity, instead of placing it to the credit of our own skill and excited industry.

The great law of *price* is determined by supply and demand. Whatever affects either, affects the price. If the supply is increased, the demand remaining the same, the price declines; if the demand is increased, the supply remaining the same, the price advances; if both supply and demand are undiminished, the price is stationary, and the price is influenced exactly in proportion to the degree of disturbance in the demand or supply. It is, therefore, a great error to suppose that an existing or new duty *necessarily* becomes a component element to its exact amount of price. If the proportion of demand and supply are varied by the duty, either in augmenting the supply or diminishing the demand, or vice versa, price is affected to the extent of that variation. But the duty never becomes an integral part of the price, except in the instances where the demand and the supply remain, after the duty is imposed,

precisely what they were before, or the demand is increased, and the supply remains stationary.

Competition, therefore, wherever existing, whether at home or abroad, is the parent cause of cheapness. If a high duty excites production at home, and the quantity of the domestic article exceeds the amount which had been previously imported, the price will fall. This accounts for an extraordinary fact stated by a Senator from Missouri. Three cents were laid as a duty upon a pound of lead, by the act of 1828. The price at Galena, and the other lead mines, afterward fell to one and a half cents per pound. Now, it is obvious that the duty did not, in this case, enter into the price; for it was twice the amount of the price. What produced the fall? It was *stimulated* production at home, excited by the temptation of the exclusive possession of the home market. This state of things could not last. Men would not continue an unprofitable pursuit; some abandoned the business, or the total quantity produced was diminished, and living prices have been the consequence. But, break down the domestic supply, place us again in a state of dependence on the foreign source, and can it be doubted that we should ultimately have to supply ourselves at dearer rates? It is not fair to credit the foreign market with the depression of prices produced there by the influence of our competition. Let the competition be withdrawn, and their prices would instantly rise.

But, it is argued, that if, by the skill, experience, and perfection which we have acquired in certain branches of manufacture, they can be made as cheap as similar articles abroad, and enter fairly into competition with them, why not repeal the duties as to those articles? And why should we? Assuming the truth of the supposition, the foreign article would not be introduced in the regular course of trade, but would remain excluded by the possession of the home market, which the domestic article had obtained, the repeal, therefore, would

have no legitimate effect. But might not the foreign article be imported in vast quantities, to glut our markets, break down our establishments, and ultimately to enable the foreigner to monopolize the supply of our consumption? America is the greatest foreign market for European manufactures. It is that to which European attention is constantly directed. If a great house becomes bankrupt there, its store-houses are emptied, and the goods are shipped to America, where, in consequence of our auctions, and our custom-house credits, the greatest facilities are afforded in the sale of them. Combinations among manufacturers might take place, or even the operations of foreign governments might be directed to the destruction of our establishments. A repeal, therefore, of one protecting duty, from some one or all of these causes, would be followed by flooding the country with the foreign fabric, surcharging the market, reducing the price, and a complete prostration of our manufactories; after which the foreigner would leisurely look about to indemnify himself in the increased prices which he would be enabled to command by his monopoly of the supply of our consumption. What American citizen, after the government had displayed this vacillating policy, would be again tempted to place the smallest confidence in the public faith, and adventure once more in this branch of industry?

Gentlemen have allowed to the manufacturing portions of the community no peace; they have been constantly threatened with the overthrow of the American System. From the year 1820, if not from 1816, down to this time, they have been held in a condition of constant alarm and insecurity. Nothing is more prejudicial to the great interests of a nation than unsettled and varying policy. Although every appeal to the National Legislature has been responded to in conformity with the wishes and sentiments of the great majority of the people, measures of protection have only

been carried by such small majorities as to excite hopes on the one hand, and fears on the other. Let the country breathe, let its vast resources be developed, let its energies be fully put forth, let it have tranquility, and, my word for it, the degree of perfection in the arts which it will exhibit, will be greater than that which has been presented, astonishing as our progress has been. Although some branches of our manufactures might, and in foreign markets now do, fearlessly contend with similar foreign fabrics, there are many others, yet in their infancy, struggling with the difficulties which encompass them. We should look at the whole system, and recollect that time, when we contemplate the great movements of a nation, is very different from the short period which is allotted for the duration of individual life. The honorable gentleman from South Carolina well and eloquently said, in 1824, "No great interest of any country ever yet grew up in a day; no new branch of industry can become firmly and profitably established, but in a long course of years; everything, indeed, great or good, is matured by slow degrees; that which attains a speedy maturity is of small value, and is destined to a brief existence. It is the order of Providence, that powers gradually developed shall alone attain permanency and perfection. Thus it must be with our national institutions, and national character itself."

I feel most sensibly, Mr. President, how much I have trespassed upon the Senate. My apology is a deep and deliberate conviction that the great cause under debate involves the prosperity and the destiny of the Union. But the best requital I can make, for the friendly indulgence which has been extended to me by the Senate, and for which I shall ever retain sentiments of lasting gratitude, is to proceed, with as little delay as practicable, to the conclusion of a discourse which has not been more tedious to the Senate than exhausting to me. I have now to consider the remaining of the two propositions,

which I have already announced, and which are as follows:

Secondly, that under the operation of the American System, the products of our agriculture command a higher price than they would do without it, by the creation of a home market; and by the augmentation of wealth, produced by manufacturing industry, which enlarges our powers of consumption, both of domestic and foreign articles. The importance of the home market is among the established maxims which are universally recognized by all writers and all men. However some may differ as to the relative advantages of the foreign and the home market, none deny to the latter great value and high consideration. It is nearer to us; beyond the control of foreign legislation; and undisturbed by those vicissitudes to which all international intercourse is more or less exposed. The most stupid are sensible of the benefit of a residence in the vicinity of a large manufactory, or of a market town, of a good road, or of a navigable stream, which connects their farms with some great capital. If the pursuits of all men were perfectly the same, although they would be in possession of the greatest abundance of the particular produce of their industry, they might, at the same time, be in extreme want of other necessary articles of human subsistence. The uniformity of the general occupation would preclude all exchanges, all commerce. It is only in the diversity of the vocations of the members of a community, that the means can be found for those salutary exchanges which conduce to the general prosperity. And, the greater that diversity, the more extensive and the more animating is the circle of exchange. Even if foreign markets were freely and widely open to the reception of our agricultural produce, from its bulky nature, and the distance of the interior, and the dangers of the ocean, large portions of it could never profitably reach the foreign market. But let us quit this field of theory, clear as it is, and look

at the practical operation of the system of protection, beginning with the most valuable staple of our agriculture.

But if all this reasoning were totally fallacious—if the price of manufactured articles were really higher, under the American System, than without it, I should still argue that high or low prices were themselves relative—relative to the ability to pay them. It is in vain to tempt, to tantalize us with the lower prices of European fabrics than our own, if we have nothing wherewith to purchase them. If, by the home exchanges, we can be supplied with necessary, even if they are dearer and worse, articles of American production than the foreign, it is better than not to be supplied at all. And how would the large portion of our country which I have described be supplied, but for the home exchanges? A poor people, destitute of wealth or of exchangeable commodities, has nothing to purchase foreign fabrics. To them they are equally beyond their reach, whether their cost be a dollar or a guinea. It is in this view of the matter that Great Britain, by her vast wealth—her *excited and protected* industry—is enabled to bear a burden of taxation which, when compared to that of other nations, appears enormous; but which, when her immense riches are compared to theirs, is light and trivial. The gentleman from South Carolina has drawn a lively and flattering picture of our coasts, bays, rivers, and harbors; and he argues that these proclaimed the design of Providence, that we should be a commercial people. I agree with him. We differ only as to the means. He would cherish the foreign, and neglect the internal trade. I would foster both. What is navigation without ships, or ships without cargoes? By penetrating the bosoms of our mountains, and extracting from them their precious treasures; by cultivating the earth, and *securing* a home market for its rich and abundant products; by employing the water power with which we are blessed; by stimulating and

protecting our native industry, in all its forms, we shall but nourish and promote the prosperity of commerce, foreign and domestic.

I have hitherto considered the question in reference only to a state of peace; but a season of war ought not to be entirely overlooked. We have enjoyed near twenty years of peace; but who can tell when the storm of war shall again break forth? Have we forgotten, so soon, the privations to which, not merely our brave soldiers and our gallant tars were subjected, but the whole community, during the last war, for the want of absolute necessities? To what an enormous price they rose! And how inadequate the supply was, at any price! The statesman who justly elevates his views, will look behind, as well as forward, and at the existing state of things; and he will graduate the policy which he recommends to all the probable exigencies which may arise in the republic. Taking this comprehensive range, it would be easy to show that the higher prices of peace, if prices were higher in peace, were more than compensated by the lower prices of war, during which supplies of all essential articles are indispensable to its vigorous, effectual, and glorious prosecution. I conclude this part of the argument with the hope that my humble exertions have not been altogether unsuccessful in showing—

1. That the policy which we have been considering ought to continue to be regarded as the genuine American System.
2. That the Free Trade System, which is proposed as its substitute, ought really to be considered as the British Colonial System.
3. That the American System is beneficial to all parts of the Union, and absolutely necessary to much the larger portion.
4. That the price of the great staple of cotton, and of all our chief productions of agriculture, has been sustained and upheld, and a decline averted, by the Protective System.
5. That if the foreign demand for cotton has

been at all diminished by the operation of that system, the diminution has been more than compensated in the additional demand created at home.

6. That the constant tendency of the system, by creating competition among ourselves, and between American and European industry, reciprocally acting upon each other, is to reduce prices of manufactured objects.

7. That, in point of fact, objects within the scope of the policy of protection have greatly fallen in price.

8. That if, in a season of peace, these benefits are experienced, in a season of war, when the foreign supply might be cut off, they would be much more extensively felt.

And, finally, that the substitution of the British Colonial System for the American System, without benefiting any section of the Union, by subjecting us to a foreign legislation, regulated by foreign interests, would lead to the prostration of our manufactures, general impoverishment, and ultimate ruin.

The danger to our Union does not lie on the side of persistence in the American System, but on that of its abandonment. If, as I have supposed and believe, the inhabitants of all north and east of the James River, and all west of the mountains, including Louisiana, are deeply interested in the preservation of that system, would they be reconciled to its overthrow? Can it be expected that two-thirds, if not three-fourths, of the people of the United States, would consent to the destruction of a policy, believed to be indispensably necessary to their prosperity? When, too, the sacrifice is made at the instance of a single interest, which they verily believe will not be promoted by it? In estimating the degree of peril which may be incident to two opposite courses of human policy, the statesman would be shortsighted who would content himself with viewing only the evils, real or imaginary, which belong to that course which is in practical operation. He

should lift himself up to the contemplation of those greater and more certain dangers which might inevitably attend the adoption of the alternative course. What would be the condition of this Union if Pennsylvania and New York, those mammoth members of our confederacy, were firmly persuaded that their industry was paralyzed, and their prosperity blighted, by the enforcement of the British Colonial System, under the delusive name of free trade? They are now tranquil and happy, and contented, conscious of their welfare, and feeling a salutary and rapid circulation of the products of home manufactures and home industry throughout all their great arteries. But, let that be checked, let them feel that a foreign system is to predominate, and the sources of their subsistence and comfort dried up; let New England, and the West, and the Middle States, all feel that they, too, are the victims of a mistaken policy, and let these vast portions of our country despair of any favorable change, and then, indeed, we might tremble for the continuance and safety of this Union!

And now, sir, I would address a few words to the friends of the American System in the Senate. The revenue must—ought to be reduced. The country will not, after, by the payment of the public debt, ten or twelve millions of dollars become unnecessary, bear such an annual surplus. Its distribution would form a subject of perpetual contention. Some of the opponents of the system understand the stratagem by which to attack it, and are shaping their course accordingly. It is to crush the system by the accumulation of revenue, and by the effort to persuade the people that they are unnecessarily taxed, while those would really tax them who would break up the native sources of supply, and render them dependent upon the foreign. But the revenue ought to be reduced, so as to accommodate it to the fact of the payment of the public debt. And the alternative is, or may be, to preserve the protecting system,

and repeal the duties on the unprotected articles, or to *preserve* the duties on *unprotected* articles, and endanger, if not destroy, the system. Let us, then, adopt the measure before us, which will benefit all classes; the farmer, the professional man, the merchant, the manufacturer, the mechanic; and the cotton planter more than all. A few months ago there was no diversity of opinion as to the expediency of this measure. All, then, seemed to unite in the selection of these objects for a repeal of duties which were not produced within the country. Such a repeal did not touch our domestic industry, violated no principle, offended no prejudice.

Can we not all, whatever may be our favorite theories, cordially unite on this neutral ground? When that is occupied, let us look beyond it, and see if anything can be done, in the field of protection, to modify, or improve it, or to satisfy those who are opposed to the system. Our Southern brethren believe that it is injurious to them, and ask its repeal. We believe that its abandonment will be prejudicial to them, and ruinous to every other section of the Union.

However strong their convictions may be, they are not stronger than ours. Between the points of the preservation of the system, and its absolute repeal, there is no principle of union. If it can be shown to operate immoderately on any quarter—if the measure of protection to any article can be demonstrated to be undue and inordinate, it would be the duty of Congress to interpose and apply a remedy. And none will co-operate more heartily than I shall in the performance of that duty. It is quite probable that beneficial modifications of the system may be made, without impairing its efficacy. But, to make it fulfill the purposes of its institution, the measure of protection ought to be adequate. If it be not, all interests will be injuriously affected. The manufacturer, crippled in his exertions, will produce less perfect and dearer fabrics, and the consumer will feel the consequence. This is the spirit, and these are the principles only, on which, it seems to me, that a complete settlement of the great question can be made, satisfactorily, to all parts of our great Union.










ANDREW JACKSON.

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## ANDREW JACKSON.

N a plantation, in the Waxhaw settlement in North Carolina, on March 10, 1767, was born one, who, when grown to man's estate, was to take a prominent part in the history of his country. Andrew Jackson was destined to enjoy no life of ease during his boyhood and early manhood. His mother was left a widow when he was but a few weeks old. She was poor in this world's goods, and had to struggle alone in the hard battle for a livelihood, which all settlers in a new country have to fight. With her family, she early removed to South Carolina, which was young Andrew's home for many years. When but a boy of thirteen, he became a member of Sumter's famous brigade, and with him participated in the battle of Hanging Rock. In 1781 he was captured, and suffered indignities at the hands of British officers which he remembered and repaid with interest on the field at New Orleans.

Young Andrew enjoyed but limited advantages of education, but possessed qualities of mind which entitled him to

a front rank among men. In 1784 he began the study of law at Salisbury, North Carolina, was admitted to the bar in 1786, received the appointment of Solicitor for the western part of the State, now Tennessee, and began the practice of his profession in Nashville, in 1788. Many difficulties and dangers surrounded the young attorney in his official work, but, through all, he showed the same indomitable will and unflinching courage for which he was so noted in after life.

Mr. Jackson distinguished himself in the Indian troubles in the Southwest, and his name became a terror to the Indian warriors of that region.

In 1796 he assisted in forming a State Constitution, and was elected the first Representative of the new State in Congress. After serving one session in the House, the Legislature elected him to the Senate in 1797. This service did not suit his taste, however, and he resigned the office the following year, and became Judge of the Supreme Court of the State, holding the position for some six years. In 1802 he was appointed

Major-General of the militia in Tennessee, and rendered distinguished services in the war of 1812, commanding the forces during the military operations in the neighborhood of New Orleans, which culminated in the famous battle of January 8, 1815.

In 1818 he was appointed to command in the operations against the Seminoles. His conduct of the war was vigorous and decisive, as usual, and by following the Indians into the Spanish territory of Florida, called forth much hostile criticism of his conduct. The purchase of that territory by the United States removed all cause of trouble between the two governments, and in 1821 he was appointed Governor of the newly-acquired region. In 1822 he was named, by his State, as a Presidential candidate; in 1823 he was elected to the

United States Senate; and in 1824 was a prominent candidate for President, receiving the largest number of electoral votes; but no one of the candidates having a majority, the election was thrown into the House of Representatives, and Jackson was defeated.

Four years later he was elected President, and re-elected in 1832, serving eight years in the Presidential office. During his term of office the questions of Tariff, United States Bank, and States Rights were the cause of great excitement throughout the country; the discussion of the latter culminating in the nullification difficulties in South Carolina in 1832. After the close of his administration he retired to his home at the Hermitage, and enjoyed a quiet and retired life until June 8, 1845, when his death occurred.



### JACKSON'S FAREWELL ADDRESS.

*Delivered in 1845.*

FELLOW-CITIZENS:—Being about to retire finally from public life, I beg leave to offer you my grateful thanks for the many proofs of kindness and confidence which I have received at your hands. It has been my fortune, in the discharge of public duties, civil and military, frequently to have found myself in difficult and trying situations, where prompt decision and energetic action were necessary, and where the interests of the country required that high responsibilities should be fearlessly encountered;

and it is with the deepest emotions of gratitude that I acknowledge the continued and unbroken confidence with which you have sustained me, in every trial. My public life has been a long one, and I cannot hope that it has at all times been free from errors.

But I have the consolation of knowing that, if mistakes have been committed, they have not seriously injured the country I so anxiously endeavored to serve; and, at the moment when I surrender my last public trust, I leave this

great people prosperous and happy; in the full enjoyment of liberty and peace; and honored and respected by every nation in the world.

If my humble efforts have, in any degree, contributed to preserve to you these blessings, I have been more than rewarded by the honor you have heaped upon me; and, above all, by the generous confidence with which you have supported me in every peril, and with which you have continued to animate and cheer my path to the closing hour of my political life. The time has now come, when advanced age, and a broken frame, warn me to retire from public concerns; but the recollection of the many favors you have bestowed upon me is engraven upon my heart, and I have felt that I could not part from your service without making this public acknowledgement of the gratitude I owe you. And if I use the occasion to offer to you the counsels of age and experience, you will, I trust, receive them with the same indulgent kindness which you have so often extended to me; and will, at least, see in them an earnest desire to perpetuate, in this favored land, the blessings of liberty and equal laws.

We have now lived almost fifty years under the Constitution framed by the sages and patriots of the Revolution. The conflicts in which the nations of Europe were engaged during a great part of this period; the spirit in which they waged war with each other; and our intimate commercial connections with every part of the civilized world, rendered it a time of much difficulty for the government of the United States. We have had our seasons of peace and of war, with all the evils which precede or follow a state of hostility with powerful nations. We encountered these trials with our Constitution yet in its infancy, and under the disadvantages which a new and untried government must always feel when it is called to put forth its whole strength, without the lights of experience to guide it, or the weight of precedent to justify its measures.

But we have passed triumphantly through all these difficulties. Our Constitution is no longer a doubtful experiment; and, at the end of nearly half a century, we find that it has preserved, unimpaired, the liberties of the people, secured the rights of property, and that our country has improved, and is flourishing beyond any former example in the history of nations.

In our domestic concerns, there is everything to encourage us; and, if you are true to yourselves, nothing can impede your march to the highest point of national prosperity. The States, which had so long been retarded in their improvement by the Indian tribes residing in the midst of them, are at length relieved from the evil; and this unhappy race—the original dwellers in our land—are now placed in a situation where we may well hope that they will share in the blessings of civilization, and be saved from that degradation and destruction to which they were rapidly hastening while they remained in the States; and, while the safety and comfort of our own citizens have been greatly promoted by their removal, the philanthropist will rejoice that the remnant of that ill-fated race has been at length placed beyond the reach of injury or oppression, and that the paternal care of the general government will hereafter watch over them, and protect them.

If we turn to our relations with foreign powers, we find our condition equally gratifying. Actuated by the sincere desire to do justice to every nation, and to preserve the blessings of peace, our intercourse with them has been conducted, on the part of this government, in the spirit of frankness, and I take pleasure in saying that it has generally been met in a corresponding temper. Difficulties of old standing have been surmounted by friendly discussion, and the mutual desire to be just; and the claims of our citizens, which had been long withheld, have at length been acknowledged and adjusted, and satisfactory arrangements made for their final payment; and, with a limited,

and, I trust, a temporary exception, our relations with every foreign power are now of the most friendly character, our commerce continually expanding, and our flag respected in every quarter of the world.

These cheering and grateful prospects, and these multiplied favors, we owe, under Providence, to the adoption of the Federal Constitution. It is no longer a question whether this great country can remain happily united, and flourish under our present form of government. Experience, the unerring test of all human undertakings, has shown the wisdom and foresight of those who framed it; and has proved that, in the union of these States, there is a sure foundation for the brightest hopes of freedom, and for the happiness of the people. At every hazard, and by every sacrifice, this Union must be preserved.

The necessity of watching with jealous anxiety for the preservation of the Union, was earnestly pressed upon his fellow-citizens by the father of his country, in his farewell address. He has there told us that, "while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its bonds;" and he has cautioned us in the strongest terms against the formation of parties, on geographical discriminations, as one of the means which might disturb our Union, and to which designing men would be likely to resort.

The lessons contained in this invaluable legacy of Washington to his countrymen, should be cherished in the heart of every citizen, to the latest generation; and, perhaps, at no period of time could they be more usefully remembered than at the present moment. For, when we look upon the scenes that are passing around us, and dwell upon the pages of his parting address, his paternal counsels would seem to be, not merely the offspring of wisdom and foresight, but the voice of prophecy fore-

telling events, and warning us of the evil to come. Forty years have passed since this imperishable document was given to his countrymen. The Federal Constitution was then regarded by him as an experiment, and he so speaks of it in his address; but an experiment upon the success of which the best hopes of his country depended, and we all know that he was prepared to lay down his life, if necessary, to secure to it a full and fair trial. The trial has been made. It has succeeded beyond the proudest hopes of those who framed it. Every quarter of this widely-extended nation has felt its blessings, and shared in the general prosperity produced by its adoption. But, amid this general prosperity and splendid success, the dangers of which he warned us are becoming every day more evident, and the signs of evil are sufficiently apparent to awaken the deepest anxiety in the bosom of the patriot. We behold systematic efforts, publicly made, to sow the seeds of discord between different parts of the United States, and to place party divisions directly upon geographical distinctions; to excite the *South* against the *North*, and the *North* against the *South*, and to force into the controversy the most delicate and excited topics upon which it is impossible that a large portion of the Union can ever speak without strong emotions. Appeals, too, are constantly made to sectional interests, in order to influence the election of the chief magistrate, as if it were desired that he should favor a particular quarter of the country, instead of fulfilling the duties of his station with impartial justice to all; and the possible dissolution of the Union has at length become an ordinary and familiar subject of discussion. Has the warning voice of Washington been forgotten? Or, have designs already been formed to sever the Union? Let it not be supposed that I impute to all of those who have taken an active part in these unwise and unprofitable discussions, a want of patriotism or of public virtue. The honorable feelings of

State pride and local attachments, find a place in the bosoms of the most enlightened and pure. But, while such men are conscious of their own integrity and honesty of purpose, they ought never to forget that the citizens of other States are their political brethren; and that, however mistaken they may be in their views, the great body of them are equally honest and upright with themselves. Mutual suspicions and reproaches may, in time, create mutual hostility, and artful and designing men will always be found, who are ready to foment these fatal divisions, and to inflame the natural jealousies of different sections of the country. The history of the world is full of such examples, and especially the history of republics.

What have you to gain by division and dissension? Delude not yourselves with the belief that a breach once made may be afterward repaired. If the Union is once severed, the line of separation will grow wider and wider, and the controversies which are now debated and settled in the halls of legislation, will then be tried in fields of battle, and be determined by the sword. Neither should you deceive yourselves with the hope, that the first line of separation would be the permanent one, and that nothing but harmony and concord would be found in the new associations, formed upon the dissolution of this Union. Local interests would still be found there, and unchastened ambition. And, if the recollection of common dangers, in which the people of these United States stood side by side against the common foe; the memory of victories won by their united valor; the prosperity and happiness they have enjoyed under the present Constitution; the proud name they bear as citizens of this great Republic; if these recollections and proofs of common interest are not strong enough to bind us together as one people, what tie will hold this Union, dissevered! The first line of separation would not last for a single generation; new fragments would be torn off; new leaders

would spring up; and this great and glorious Republic would soon be broken into a multitude of petty States; armed for mutual aggressions; loaded with taxes to pay armies and leaders; seeking aid against each other from foreign powers; insulted and trampled upon by the nations of Europe, until, harassed with conflicts, and humbled and debased in spirit, they would be ready to submit to the absolute dominion of any military adventurer, and to surrender their liberty for the sake of repose. It is impossible to look on the consequences that would inevitably follow the destruction of this government, and not feel indignant when we hear cold calculations about the value of the Union, and have so constantly before us a line of conduct so well calculated to weaken its ties.

There is too much at stake to allow pride or passion to influence your decision. Never for a moment believe that the great body of the citizens of any State or States can deliberately intend to do wrong. They may, under the influence of temporary excitement or misguided opinions, commit mistakes; they may be misled for a time by the suggestions of self-interest; but, in a community so enlightened and patriotic as the people of the United States, argument will soon make them sensible of their errors; and, when convinced, they will be ready to repair them. If they have no higher or better motives to govern them, they will at least perceive that their own interests require them to be just to others, as they hope to receive justice at their hands.

But, in order to maintain the Union unimpaired, it is absolutely necessary that the laws passed by the constituted authorities should be faithfully executed in every part of the country, and that every good citizen should, at all times, stand ready to put down, with the combined force of the nation, every attempt at unlawful resistance, under whatever pretext it may be made, or whatever shape it may assume. Unconstitutional or oppressive laws may no doubt be passed by Congress, either from erroneous

views, or the want of due consideration; if they are within reach of judicial authority, the remedy is easy and peaceful; and if, from the character of the law, it is an abuse of power not within the control of the judiciary, then free discussion and calm appeals to reason and to the justice of the people, will not fail to redress the wrong. But until the law shall be declared void by the courts, or repealed by Congress, no individual, or combination of individuals, can be justified in forcibly resisting its execution. It is impossible that any government can continue to exist upon any other principles. It would cease to be a government, and be unworthy of the name, if it had not the power to enforce the execution of its own laws within its own sphere of action.

It is true that cases may be imagined disclosing such a settled purpose of usurpation and oppression, on the part of the government, as would justify an appeal to arms. These, however, are extreme cases, which we have no reason to apprehend in a government where the power is in the hands of a patriotic people; and no citizen who loves his country, would, in any case whatever, resort to forcible resistance, unless he clearly saw that the time had come when a freeman should prefer death to submission; for, if such a struggle is once begun, and the citizens of one section of the country arrayed in arms against those of another, in doubtful conflict, let the battle result as it may, there will be an end of the Union, and with it an end of the hopes of freedom. The victory of the injured would not secure to them the blessings of liberty; it would avenge their wrongs, but they would themselves share in the common ruin.

But the Constitution cannot be maintained, nor the Union preserved, in opposition to public feeling, by the mere exertion of the coercive powers confided to the general government. The foundations must be laid in the affections of the people; in the security it gives to life, lib-

erty, character, and property, in every quarter of the country; and in the fraternal attachments which the citizens of the several States bear to one another, as members of one political family, mutually contributing to promote the happiness of each other. Hence, the citizens of every State should studiously avoid everything calculated to wound the sensibility, or offend the just pride of the people of other States; and they should frown upon any proceedings within their own borders likely to disturb the tranquility of their political brethren in other portions of the Union. In a country so extensive as the United States, and with pursuits so varied, the internal regulations of the several States must frequently differ from one another in important particulars; and this difference is unavoidably increased by the varying principles upon which the American colonies were originally planted; principles which had taken deep root in their social relations before the Revolution, and, therefore, of necessity, influencing their policy since they became free and independent States. But each State has the unquestionable right to regulate its own internal concerns according to its own pleasure; and, while it does not interfere with the rights of the people of other States, or the rights of the Union, every State must be the sole judge of that measure proper to secure the safety of its citizens, and promote their happiness; and all efforts on the part of the people of other States to cast odium upon their institutions, and all measures calculated to disturb their rights of property, or to put in jeopardy their peace and internal tranquility, are in direct opposition to the spirit in which the Union was formed, and must endanger its safety. Motives of philanthropy may be assigned for this unwarrantable interference; and weak men may persuade themselves for a moment that they are laboring in the cause of humanity, and asserting the rights of the human race; but every one, upon sober reflection, will see that nothing but mischief can come from these improper assaults

upon the feelings and rights of others. Rest assured that the men found busy in this work of discord are not worthy of your confidence, and deserve your strongest reprobation.

In the legislation of Congress, also, and in every measure of the general government, justice to every portion of the United States should be faithfully observed. No free government can stand without virtue in the people, and a lofty spirit of patriotism; and if the sordid feelings of mere selfishness shall usurp the place which ought to be filled by public spirit, the legislation of Congress will soon be converted into a scramble for personal and sectional advantages. Under our free institutions the citizens in every quarter of our country are capable of attaining a high degree of prosperity and happiness, without seeking to profit themselves at the expense of others; and every such attempt must, in the end, fail to succeed, for the people in every part of the United States are too enlightened not to understand their own rights and interests, and to detect and defeat every effort to gain undue advantages over them; and, when such designs are discovered, it naturally provokes resentments which cannot be always allayed. Justice, full and ample justice, to every portion of the United States, should be the ruling principle of every freeman, and should guide the deliberations of every public body, whether it be State or national.

It is well known that there have always been those among us who wish to enlarge the powers of the general government; and experience would seem to indicate that there is a tendency on the part of this Government to overstep the boundaries marked out for it by the Constitution. Its legitimate authority is abundantly sufficient for all the purposes for which it is created; and its powers being expressly enumerated, there can be no justification for claiming anything beyond them. Every attempt to exercise power beyond these limits should be promptly and firmly opposed. For one evil

example will lead to other measures still more mischievous; and if the principle of constructive powers, or supposed advantages, or temporary circumstances, shall ever be permitted to justify the assumption of a power not given by the Constitution, the general government will before long absorb all the powers of legislation, and you will have, in effect, but one consolidated government. From the extent of our country, its diversified interests, different pursuits, and different habits, it is too obvious for argument that a single consolidated government would be wholly inadequate to watch over and protect its interests; and every friend of our free institutions should be always prepared to maintain, unimpaired and in full vigor, the rights and sovereignty of the States, and to confine the action of the general government strictly to the sphere of its appropriate duties.

There is, perhaps, no one of the powers conferred on the Federal government so liable to abuse as the taxing power. The most productive and convenient sources of revenue were necessarily given to it, that it might perform the important duties imposed upon it; and the taxes which it lays upon commerce being concealed from the real payer in the price of the article, they do not so readily attract the attention of the people as smaller sums demanded from them directly by the tax-gatherer. But the tax imposed on goods, enhances by so much the price of the commodity to the consumer; and, as many of these duties are imposed on articles of necessity which are daily used by the great body of the people, the money raised by these imposts is drawn from their pockets. Congress has no right under the Constitution to take money from the people, unless it is required to execute some one of the specific powers intrusted to the government; and if they raise more than is necessary for such purposes, it is an abuse of the power of taxation, and unjust and oppressive. It may, indeed, happen that the revenue will sometimes exceed



the amount anticipated, when the taxes were laid. When, however, this is ascertained, it is easy to reduce them; and, in such a case, it is unquestionably the duty of the government to reduce them, for no circumstance can justify it in assuming a power not given to it by the Constitution, nor in taking away the money of the people when it is not needed for the legitimate wants of the government.

Plain as these principles appear to be, you will find that there is a constant effort to induce the general government to go beyond the limits of its taxing power, and to impose unnecessary burdens upon the people. Many powerful interests are continually at work to procure heavy duties on commerce, and to swell the revenue beyond the real necessities of the public service; and the country has already felt the injurious effects of their combined influence. They succeeded in obtaining a tariff of duties bearing most oppressively on the agricultural and laboring classes of society, and producing a revenue that could not be usefully employed within the range of the powers conferred upon Congress; and, in order to fasten upon the people this unjust and unequal system of taxation, extravagant schemes of internal improvement were got up, in various quarters, to squander the money, and to purchase support. Thus, one unconstitutional measure was intended to be upheld by another, and the abuse of the power of taxation was to be maintained by usurping the power of expending the money in internal improvements. You cannot have forgotten the severe and doubtful struggle through which we passed, when the executive department of the government, by its veto, endeavored to arrest this prodigal scheme of injustice, and to bring back the legislation of Congress to the boundaries prescribed by the Constitution. The good sense and practical judgment of the people, when the subject was brought before them, sustained the course of the executive; and this plan of unconstitu-

tional expenditure for the purposes of corrupt influence is, I trust, finally overthrown.

The result of this decision has been felt in the rapid extinguishment of the public debt, and the large accumulation of a surplus in the treasury, notwithstanding the tariff was reduced, and is now far below the amount originally contemplated by its advocates. But, rely upon it, the design to collect an extravagant revenue, and to burden you with taxes beyond the economical wants of the government, is not yet abandoned. The various interests which have combined together to impose a heavy tariff, and to produce an overflowing treasury, are too strong, and have too much at stake, to surrender the contest. The corporations and wealthy individuals who are engaged in large manufacturing establishments, desire a high tariff, to increase their gains. Designing politicians will support it to conciliate their favor, and to obtain the means of profuse expenditure, for the purpose of purchasing influence in other quarters; and, since the people have decided that the Federal government cannot be permitted to employ its income in internal improvements, efforts will be made to seduce and mislead the citizens of the several States, by holding out to them the deceitful prospect of benefits to be derived from a surplus revenue, collected by the general government, and annually divided among the States. And if, encouraged by these fallacious hopes, the States should disregard the principles of economy which ought to characterize every republican government, and should indulge in lavish expenditures exceeding their resources, they will, before long, find themselves oppressed with debts which they are unable to pay, and the temptation will become irresistible to support a high tariff, in order to obtain a surplus distribution. Do not allow yourselves, my fellow-citizens, to be misled on this subject. The Federal government cannot collect a surplus for such purposes, without violating the principles

of the Constitution, and assuming powers which have not been granted. It is, moreover, a system of injustice, and, if persisted in, will inevitably lead to corruption, and must end in ruin. The surplus revenue will be drawn from the pockets of the people—from the farmer, the mechanic, and the laboring classes of society; but who will receive it when distributed among the States, where it is to be disposed of by leading politicians who have friends to favor, and political partisans to gratify? It will certainly not be returned to those who paid it, and who have most need of it, and are honestly entitled to it. There is but one safe rule, and that is, to confine the general government rigidly within the sphere of its appropriate duties. It has no power to raise a revenue, or impose taxes, except for the purposes enumerated in the Constitution; and, if its income is found to exceed these wants, it should be forthwith reduced, and the burdens of the people so far lightened.

In reviewing the conflicts which have taken place between different interests in the United States, and the policy pursued since the adoption of our present form of government, we find nothing that has produced such deep-seated evil as the course of legislation in relation to the currency. The Constitution of the United States unquestionably intended to secure the people a circulating medium of gold and silver. But the establishment of a national bank by Congress, with the privilege of issuing paper money receivable in the payment of the public dues, and the unfortunate course of legislation in the several States upon the same subject, drove from general circulation the constitutional currency, and substituted one of paper in its place.

It was not easy for men engaged in the ordinary pursuits of business, whose attention had not been particularly drawn to the subject, to foresee all the consequences of a currency exclusively of paper; and we ought not, on

that account, to be surprised at the facility with which laws were obtained to carry into effect the paper system. Honest, and even enlightened men are sometimes misled by the specious and plausible statements of the designing. But experience has now proved the mischiefs and dangers of a paper currency, and it rests with you to determine whether the proper remedy shall be applied.

The paper system being founded on public confidence, and having of itself no intrinsic value, it is liable to great and sudden fluctuations; thereby rendering property insecure, and the wages of labor unsteady and uncertain. The corporations which create the paper money cannot be relied upon to keep the circulating medium uniform in amount. In times of prosperity, when confidence is high, they are tempted, by the prospect of gain, or by the influence of those who hope to profit by it, to extend their issues of paper beyond the bounds of discretion, and the reasonable demands of business. And when these issues have been pushed on, from day to day, until public confidence is at length shaken, then a reaction takes place, and they immediately withdraw the credits they have given; suddenly curtail their issues; and produce an unexpected and ruinous contraction of the circulating medium, which is felt by the whole community. The banks, by this means, save themselves, and the mischievous consequences of their imprudence or cupidity are visited upon the public. Nor does the evil stop here. These ebbs and flows in the currency, and these indiscreet extensions of credit, naturally engender a spirit of speculation injurious to the habits and character of the people. We have already seen its effects in the wild spirit of speculation in the public lands, and various kinds of stock, which, within the last year or two, seized upon such a multitude of our citizens, and threatened to pervade all classes of society, and to withdraw their attention from the sober pursuits of honest in-

dustry. It is not by encouraging this spirit that we shall best preserve public virtue, and promote the true interests of our country. But, if your currency continues as exclusively paper as it now is, it will foster this eager desire to amass wealth without labor; it will multiply the number of dependents on bank accommodations and bank favors; the temptation to obtain money at any sacrifice will become stronger and stronger, and inevitably lead to corruption, which will find its way into your public councils, and destroy, at no distant day, the purity of your government. Some of the evils which arise from this system of paper, press with peculiar hardship upon the class of society least able to bear it. A portion of this currency frequently becomes depreciated or worthless, and all of it is easily counterfeited, in such a manner as to require peculiar skill and much experience to distinguish the counterfeit from the genuine notes.

These frauds are most generally perpetrated in the smaller notes, which are used in the daily transactions of ordinary business; and the losses occasioned by them are commonly thrown upon the laboring classes of society, whose situation and pursuits put it out of their power to guard themselves from these impositions, and whose daily wages are necessary for their subsistence. It is the duty of every government so to regulate its currency, as to protect this numerous class, as far as practicable, from the impositions of avarice and fraud. It is more especially the duty of the United States, where the government is emphatically the government of the people, and where this respectable portion of our citizens are so proudly distinguished from the laboring classes of all other nations, by their independent spirit, their love of liberty, their intelligence, and their high tone of moral character. Their industry in peace is the source of our wealth; and their bravery in war has covered us with glory; and the government of the United States will but ill discharge its duties

if it leaves them a prey to such dishonest impositions. Yet, it is evident that their interests cannot be effectually protected, unless silver and gold are restored to circulation.

These views alone, of the paper currency, are sufficient to call for immediate reform; but there is another consideration which should still more strongly press upon your attention.

Recent events have proved that the paper money system of this country may be used as an engine to undermine your free institutions; and that those who desire to engross all power in the hands of the few, and to govern by corruption or force, are aware of its power, and prepared to employ it. Your banks now furnish your only circulating medium, and money is plenty or scarce, according to the quantity of notes issued by them. While they have capitals not greatly disproportioned to each other, they are competitors in business, and no one of them can exercise dominion over the rest; and although, in the present state of the currency, these banks may, and do, operate injuriously upon the habits of business, the pecuniary concerns, and the moral tone of society; yet, from their number and dispersed situation, they cannot combine for the purposes of political influence; and, whatever may be the dispositions of some of them, their power of mischief must necessarily be confined to a narrow space, and felt only in their immediate neighborhood.

But when the charter for the Bank of the United States was obtained from Congress, it perfected the schemes of the paper system, and gave its advocates the position they have struggled to obtain, from the commencement of the Federal government down to the present hour. The immense capital, the peculiar privileges bestowed upon it, enabled it to exercise despotic sway over the other banks in every part of the country. From its superior strength it could seriously injure, if not destroy, the business of any one of them which might incur its resentment; and it openly claimed for itself the power of

regulating the currency throughout the United States. In other words, it asserted (and undoubtedly possessed) the power to make money plenty or scarce, at its pleasure, at any time, and in any quarter of the Union, by controlling the issues of other banks, and permitting an expansion, or compelling a general contraction, of the circulating medium, according to its own will. The other banking institutions were sensible of its strength, and they soon generally became its obedient instruments, ready at all times to execute its mandates; and, with the banks, necessarily went also that numerous class of persons in our commercial cities, who depend altogether on bank credits for their solvency and means of business; and who are, therefore, obliged, for their own safety, to propitiate the favor of the money power by distinguished zeal and devotion in its service. The result of the ill-advised legislation which established this great monopoly, was to concentrate the whole moneyed power of the Union, with its boundless means of corruption, and its numerous dependents, under the direction and command of one acknowledged head; thus organizing this particular interest as one body, and securing to it unity and concert of action throughout the United States, and enabling it to bring forward, upon any occasion, its entire and undivided strength to support or defeat any measure of the government. In the hands of this formidable power, thus perfectly organized, was also placed unlimited dominion over the amount of the circulating medium, giving it the power to regulate the value of property, and the fruits of labor, in every quarter of the Union; and to bestow prosperity, or bring ruin upon any city or section of the country, as might best comport with its own interest or policy.

We are not left to conjecture how the moneyed power thus organized, and with such a weapon in its hands, would be likely to use it. The distress and alarm which pervaded and agitated the whole country, when the Bank of

the United States waged war upon the people, in order to compel them to submit to its demands, cannot yet be forgotten. The ruthless and unsparing temper with which whole cities and communities were oppressed, individuals impoverished and ruined, and a scene of cheerful prosperity suddenly changed into one of gloom and despondency, ought to be indelibly impressed on the memory of the people of the United States. If such was its power in a time of peace, what would it not have been in a season of war, with an enemy at your doors? No nation but the freemen of the United States could have come out victorious from such a contest; yet, if you had not conquered, the government would have passed from the hands of the many to the hands of the few; and this organized money power, from its secret conclave, would have dictated the choice of your highest officers, and compelled you to make peace or war, as best suited their own wishes. The forms of your government might, for a time, have remained; but its living spirit would have departed from it.

The distress and sufferings inflicted on the people by the bank, are some of the fruits of that system of policy which is continually striving to enlarge the authority of the Federal government beyond the limits fixed by the Constitution. The powers enumerated in that instrument do not confer on Congress the right to establish such a corporation as the Bank of the United States; and the evil consequences which followed may warn us of the danger of departing from the true rule of construction, and of permitting temporary circumstances, or the hope of better promoting the public welfare, to influence in any degree our decisions upon the extent of the authority of the general government. Let us abide by the Constitution as it is written, or amend it in the constitutional mode, if it is found defective.

The severe lessons of experience will, I doubt not, be sufficient to prevent Congress from

again chartering such a monopoly, even if the Constitution did not present an insuperable objection to it. But, you must remember, my fellow-citizens, that eternal vigilance by the people is the price of liberty; and that you must pay the price if you wish to secure the blessing. It behooves you, therefore, to be watchful in your States, as well as in the Federal government. The power which the moneyed interest can exercise, when concentrated under a single head, and with our present system of currency, was sufficiently demonstrated in the struggle made by the United States Bank. Defeated in the general government, the same class of intriguers and politicians will now resort to the States, and endeavor to obtain there the same organization, which they failed to perpetuate in the Union; and with specious and deceitful plans of public advantages, and State interests, and State pride, they will endeavor to establish, in the different States, one moneyed institution with overgrown capital, and exclusive privileges, sufficient to enable it to control the operations of other banks. Such an institution will be pregnant with the same evils produced by the Bank of the United States, although its sphere of action is more confined; and in the State in which it was chartered, the money power will be able to embody its whole strength, and to move together with undivided force, to accomplish any object it may wish to attain. You have already had abundant evidence of its powers to inflict injury upon the agricultural, mechanical, and laboring classes of society; and over those whose engagements in trade or speculation render them dependent on bank facilities, the dominion of the State monopoly will be absolute, and their obedience unlimited. With such a bank, and a paper currency, the money power would in a few years govern the State, and control its measures; and if a sufficient number of States can be induced to create such establishments, the time will soon come when it will

again take the field against the United States, and succeed in perfecting and perpetuating its organization by a charter from Congress.

It is one of the serious evils of our present system of banking, that it enables one class of society—and that by no means a numerous one—by its control over the currency, to act injuriously upon the interests of all the others, and to exercise more than its just proportion of influence in political affairs. The agricultural, the mechanical, and the laboring classes have little or no share in the direction of the great moneyed corporations; and from their habits and the nature of their pursuits, they are incapable of forming extensive combinations to act together with united force. Such concert of action may sometimes be produced in a single city, or in a small district of country, by means of personal communications with each other; but they have no regular or active correspondence with those who are engaged in similar pursuits in distant places; they have but little patronage to give to the press, and exercise but a small share of influence over it; they have no crowd of dependents about them, who hope to grow rich without labor, by their countenance and favor, and who are, therefore, always ready to execute their wishes. The planter, the farmer, the mechanic, and the laborer, all know that their success depends upon their own industry and economy, and that they must not expect to become suddenly rich by the fruits of their toil. Yet these classes form the great body of the people of the United States; they are the bone and sinew of the country; men who love liberty, and desire nothing but equal rights and equal laws, and who, moreover, hold the great mass of our national wealth, although it is distributed in moderate amounts among the millions of free-men who possess it. But, with overwhelming numbers and wealth on their side, they are in constant danger of losing their fair influence in the government, and with difficulty maintain

their just rights against the incessant efforts daily made to encroach upon them.

The mischief springs from the power which the moneyed interest derives from a paper currency, which they are able to control, from the multitude of corporations with exclusive privileges, which they have succeeded in obtaining in the different States, and which are employed altogether for their benefit; and unless you become more watchful in your States, and check this spirit for monopoly, and thirst for exclusive privileges, you will, in the end, find that the most important powers of government have been given or bartered away, and the control over your dearest interests has passed into the hands of these corporations.

The paper-moneyed system, and its natural associates, monopoly and exclusive privileges, have already struck their roots deep in the soil, and it will require all your efforts to check its further growth, and to eradicate the evil. The men who profit by the abuses, and desire to perpetuate them, will continue to besiege the halls of legislation in the general government as well as in the States, and will seek, by every artifice, to mislead and deceive the public servants. It is to yourselves that you must look for safety, and the means of guarding and perpetuating your free institutions. In your hands is rightfully placed the sovereignty of the country, and to you every one placed in authority is ultimately responsible. It is always in your power to see that the wishes of the people are carried into faithful execution, and their will, when once made known, must sooner or later be obeyed. And while the people remain, as I trust they ever will, uncorrupted and incorruptible, and continue watchful and jealous of their rights, the government is safe, and the cause of freedom will continue to triumph over all its enemies.

But it will require steady and persevering exertions on your part to rid yourselves of the iniquities and mischiefs of the paper system, and

to check the spirit of monopoly and other abuses which have sprung up with it, and of which it is the main support. So many interests are united to resist all reform on this subject, that you must not hope the conflict will be a short one, nor success easy. My humble efforts have not been spared, during my administration of the government, to restore the constitutional currency of gold and silver; and something, I trust, has been done toward the accomplishment of this most desirable object. But enough yet remains to require all your energy and perseverance. The power, however, is in your hands, and the remedy must and will be applied, if you determine upon it.

While I am thus endeavoring to press upon your attention the principles which I deem of vital importance to the domestic concerns of the country, I ought not to pass over, without notice, the important considerations which should govern your policy toward foreign powers. It is unquestionably our true interest to cultivate the most friendly understanding with every nation, and to avoid, by every honorable means, the calamities of war; and we shall best attain that object by frankness and sincerity in our foreign intercourse, by the prompt and faithful execution of treaties, and by justice and impartiality in our conduct to all. But no nation, however desirous of peace, can hope to escape collisions with other powers; and the soundest dictates of policy require that we should place ourselves in a condition to assert our rights, if a resort to force should ever become necessary. Our local situation, our long line of sea-coast, indented by numerous bays, with deep rivers opening into the interior, as well as her extended and still increasing commerce, point to the navy as our natural means of defence. It will, in the end, be found to be the cheapest and most effectual; and now is the time, in a season of peace, and with an overflowing revenue, that we can, year after year, add to its strength, without increasing the burdens of the people.

It is your true policy. For your navy will not only protect your rich and flourishing commerce in distant seas, but enable you to reach and annoy the enemy, and will give to defence its greatest efficiency, by meeting danger at a distance from home. It is impossible, by any line of fortifications, to guard every point from attack against a hostile force advancing from the ocean, and selecting its object; but they are indispensable to prevent cities from bombardment; dock-yards and navy arsenals from destruction; to give shelter to merchant vessels in time of war, and to single ships of weaker squadrons, when pressed by superior force. Fortifications of this description cannot be too soon completed and armed, and placed in a condition of the most perfect preparation. The abundant means we now possess cannot be applied in any manner more useful to the country; and when this is done, and our naval force sufficiently strengthened, and our military armed, we need not fear that any nation will wantonly insult us, or needlessly provoke hostilities. We shall more certainly preserve peace, when it is well understood that we are prepared for war.

In presenting to you, my fellow-citizens, these parting counsels, I have brought before you the leading principles upon which I endeavored to administer the government in the high office with which you twice honored me. Knowing that the path of freedom is continually beset by enemies, who often assume the disguise of friends, I have devoted the last hours of my public life to warn you of the dangers. The progress of the United States, under our free and happy institutions, has surpassed the most sanguine hopes of the founders of the Republic. Our growth has been rapid beyond all former examples, in numbers, in wealth, in knowledge,

and all the useful arts which contribute to the comforts and convenience of man; and, from the earliest ages of history to the present day, there never have been thirteen millions of people associated together in one political body, who enjoyed so much freedom and happiness as the people of these United States. You have no longer any cause to fear danger from abroad; your strength and power are well known throughout the civilized world, as well as the high and gallant bearing of your sons. It is from within, among yourselves, from cupidity, from corruption, from disappointed ambition, and inordinate thirst for power, that factions will be formed, and liberty endangered. It is against such designs, whatever disguise the actors may assume, that you have especially to guard yourselves. You have the highest of human trusts committed to your care. Providence has showered on this favored land blessings without number, and has chosen you, as the guardians of freedom, to preserve it for the benefit of the human race. May He, who holds in his hands the destinies of nations, make you worthy of the favors he has bestowed, and enable you, with pure hearts, and pure hands, and sleepless vigilance, to guard and defend, to the end of all time, the great and mighty charge which he has committed to your keeping.

My own race is nearly run; advanced age and failing health warn me that, before long, I must pass beyond the reach of human events, and cease to feel the vicissitudes of human affairs. I thank God that my life has been spent in a land of liberty, and that he has given me a heart to love my country with the affection of a son. And, filled with gratitude for your constant and unwavering kindness, I bid you a last and affectionate farewell.





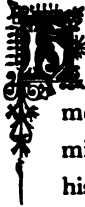




HORACE GREELEY.

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## HORACE GREELEY.

ORACE GREELEY, who, as an editor, has won a wider and more enduring fame, and exerted a mightier influence on the affairs of his country, than any other man in his profession, was born in Amherst, New Hampshire, February 3, 1811. His parents were poor, and not able to minister to his hungering after books and knowledge so as to satisfy the desire. He was early noted, however, for studious and thoughtful habits, and eagerly devoured every book within his reach, and every book in the neighborhood of his father's home was in his hand in its turn.

He had a strong desire to learn the printer's trade, and, when thirteen years old, was, with his father's consent, apprenticed in the office of the "Northern Spectator," at East Poultney, Vermont. He remained in this office four years, and thoroughly mastered the business, in the meantime contributing articles to the paper. The paper afterward suspended publication, and Greeley, being out of employment, visited his father, who had removed to a small farm near

Erie, Pennsylvania. He spent some time working in the offices in that section, but, failing to obtain permanent employment, determined to seek his fortune in the city of New York. In 1831 he arrived in that city, footsore and weary, with his wardrobe in a small bundle carried on his back, and ten dollars in money in his pocket. The outlook was gloomy. A young man scarce twenty years of age, poorly clad, without friends, and almost without means, in a strange city. After many discouraging disappointments, he succeeded at last in finding work as a journeyman printer; it was hard work, indeed, but it gave him a start. In 1833, in partnership with Francis Story, he ventured upon the publication of the "Morning Post," a daily paper, sold at two cents a copy. After a few weeks it proved a failure; the printers losing from fifty to sixty dollars each. Shortly afterward, Story was drowned, and his place in the firm was filled by his brother-in-law, Mr. James Winchester. In 1834 they began the publication of the "New Yorker," which reached a circulation of 9,500, but

at a financial loss of some \$7,000. While publishing the "New Yorker," young Greeley contributed to the editorial columns of the "Daily Whig," and other journals. In 1838, at the earnest solicitation of a number of the political leaders of the State, he assumed editorial charge of "The Jeffersonian," a campaign paper published at Albany. After one year, having served its purpose, it was discontinued. Mr. Greeley won considerable reputation through his connection with the paper, and one year later began the publication of "The Log Cabin," in New York. It was devoted to advocating the candidacy of General Harrison, and reached a circulation of ninety thousand.

April 10, 1841, he issued the first number of "The Tribune," which today stands an enduring monument of his genius and fame. Not long after, "The New Yorker" and "The Log Cabin" were both merged into "The Tribune." Its circulation rapidly increased, and its influence was felt all over the country. Mr. Greeley's name became a household word, and his opinions on the various questions of interest were eagerly looked for. He was independent and outspoken in his opinions, and believed that agitation of all proper subjects, in politics, morals, science, and religion, was conducive to strong, pure, healthy growth among the people. He was an ultra Abolitionist, and exerted his great influence through "The Trib-

une," contributing largely to the growth of Whig and Republican sentiments throughout the North. He was connected with Fourierism, though not indorsing all of its teachings, explaining, in after years, that "the principle of association for the common good of workingmen, and the elevation of labor, was the chief feature that attracted him."

He advocated and practiced total abstinence from the use of all intoxicating liquors. He was not a seeker after political preferment, but was devoted to, and satisfied with, his profession. He was, however, frequently brought forward by his friends for public position. During the winter of 1848-9 he was a member of Congress, filling a vacancy in his district. While in that position he introduced the first measure for giving small tracts of land, belonging to the public domain, to actual settlers. He also attacked the mileage system, exposing its abuse by members of Congress, and aided largely in the abolition of the system. In 1860, being opposed to Mr. Seward's aspirations for the presidency, he was left off the New York delegation to the National Convention, but was made a delegate from Oregon, and exerted his influence for the nomination of Lincoln. In 1861 he was an unsuccessful candidate for Congressional honors in his district. He strove earnestly to avoid civil war, but when there was no way of avoiding it, he advocated its vigorous prosecution. He was eager to grasp

at any plan that promised to secure peace, and, when the war ended, he favored universal amnesty, coupled with impartial suffrage, as the basis for reconciliation between the North and the South. Acting in this spirit, he signed Jefferson Davis' bail bond, and, though bitterly assailed by former friends, he maintained the justness of his position. In 1867 he was a member of the Convention for revising the State Constitution, and, in 1869, was the Republican candidate for Comptroller; though defeated, he had the satisfaction of running ahead of most of the ticket.

In 1870 he was a candidate for Congress, but was defeated. He could not indorse many measures in General Grant's administration, was a leading spirit in organizing and managing the Liberal-Republican faction, and was by

it nominated for the presidency in 1872. His candidacy was indorsed by the Democratic National Convention. The campaign was very active and bitter; Mr. Greeley, himself, doing an immense amount of work. Having given up editorial charge of "The Tribune," he canvassed many of the States, delivering numerous addresses, and laboring faithfully for success. The people were not with him, and he suffered an overwhelming defeat. Immediately after the toil, worry, and disappointment of the campaign, he was called to the bedside of his dying wife, where he spent several weeks of unremitting care and watchfulness. Overwork, care, and grief proved too much for him. He was taken sick soon after the death of his wife, and slowly sank away, his death occurring on the 29th of November, 1872.



## PROTECTION.

*Mr. Greeley's Speech, delivered in public debate in New York, Feb. 10, 1843.*

MR. PRESIDENT: It has devolved on me, as junior advocate for the cause of Protection, to open the discussion of this question. I do this with less diffidence than I should feel in meeting able opponents and practiced disputants on almost any other topic, because I am strongly confident that you, my hearers, will regard this as a subject demanding logic rather than rhetoric, the exhibition and proper treatment of homely truths, rather than the indulgence of flights of fancy. As sensible as you can be of

my deficiencies as a debater, I have chosen to put my views on paper, in order that I may present them in as concise a manner as possible, and not consume my hour before commencing my argument. You have nothing of oratory to lose by this course; I will hope that something may be gained to my cause, in clearness and force. And here let me say that, while the hours I have been enabled to give to preparation for this debate have been few, indeed, I feel the less regret, in that my *life* has been in some

measure a preparation. If there be any subject to which I have devoted time, and thought, and patient study, in a spirit of anxious desire to learn and follow the truth, it is this very question of protection; if I have totally misapprehended its character and bearings, then am I ignorant, hopelessly ignorant, indeed. And, while I may not hope to set before you, in the brief space allotted me, all that is essential to a full understanding of a question which spans the whole arch of Political Economy—on which able men have written volumes without at all exhausting it—I *do* entertain a sanguine hope that I shall be able to set before you considerations conclusive to the candid and unbiased mind, of the policy and necessity of protection. Let us not waste our time on non-essentials. That unwise and unjust measures have been adopted under the *pretense* of protection, I stand not here to deny; that laws *intended* to be protective have sometimes been injurious in their tendency, I need not dispute. The logic which would thence infer the futility of the danger of protective legislation, would just as easily prove *all* laws and all policy mischievous and destructive. Political Economy is one of the latest born of the sciences; the very fact that we meet here this evening to discuss a question so fundamental as this, proves it to be yet in its comparative infancy. The sole favor I shall ask of my opponents, therefore, is, that they will not waste their efforts and your time in attacking positions that we do not maintain, and hewing down straw giants of their own manufacture, but meet directly the arguments which I shall advance, and which, for the sake of simplicity and clearness, I will proceed to put before you in the form of propositions and their illustrations, as follows:—

PROPOSITION I. *A nation which would be prosperous, must prosecute various branches of industry, and supply its vital wants mainly by the labor of its own hands.*

Cast your eyes where you will over the face

of the earth, trace back the history of man and of nations to the earliest recorded periods, and I think you will find this rule uniformly prevailing, that the nation which is eminently agricultural and grain-exporting — which depends mainly or principally on other nations for its regular supplies of manufactured fabrics—has been comparatively a *poor* nation, and ultimately a *dependent* nation. I do not say that this is the *instant* result of exchanging the rude staples of agriculture for the more delicate fabrics of art; but I maintain that it is the inevitable *tendency*. The agricultural nation falls in debt, becomes impoverished, and ultimately subject. The palaces of “merchant princes” may emblazon its harbors and overshadow its navigable waters; there may be a mighty Alexandria, but a miserable Egypt behind it; a flourishing Odessa or Dantzic, but a rude, thinly peopled Southern Russia or Poland; the exchangers may flourish and roll in luxury, but the producers famish and die. Indeed, few old and civilized countries become largely exporters of grain until they have lost, or by corruption are prepared to surrender, their independence; and these often present the spectacle of the laborer starving on the fields he has tilled, in the midst of their fertility and promise. These appearances rest upon and indicate a law, which I shall endeavor hereafter to explain. I pass now to my

PROPOSITION II. *There is a natural tendency, in a comparatively new country, to become and continue an exporter of grain and other rude staples, and an importer of manufactures.*

I think I hardly need waste time in demonstrating this proposition, since it is illustrated and confirmed by universal experience, and rests on obvious laws. The new country has abundant and fertile soil, and produces grain with remarkable facility; also meats, timber, ashes, and most rude and bulky articles. Labor is there in demand, being required to clear, to build, to open roads, etc., and the laborers are comparatively few; while, in older countries,

labor is abundant and cheap, as also are capital, machinery, and all the means of the cheap production of manufactured fabrics. I surely need not waste words to show that, in the absence of any counteracting policy, the new country will import, and continue to import, largely of the fabrics of older countries, and to pay for them, so far as she may, with her agricultural staples. I will endeavor to show, hereafter, that she will continue to do this long after she has attained a condition to manufacture them as cheaply for herself, even regarding the money cost alone. But that does not come under the present head. The whole history of our country, and especially from 1782 to 1790, when we had no tariff, and scarcely any paper money—proves that, whatever may be the currency or the internal condition of the new country, it will continue to draw its chief supplies from the old—large or small, according to its measure of ability to pay or obtain credit for them; but still, putting duties on imports out of the question, it will continue to buy its manufactures abroad, whether in prosperity or adversity, inflation or depression.

I now advance to my

PROPOSITION III. *It is injurious to the new country to thus continue dependent for its supplies of clothing and manufactured fabrics on the old.*

As this is probably the point on which the doctrines of protection first come directly in collision with those of free trade, I will treat it more deliberately, and endeavor to illustrate and demonstrate it.

I presume I need not waste time in showing that the ruling price of grain (as any manufacture) in a region whence it is considerably exported, will be *its price at the point to which it is exported, less the cost of such transportation*. For instance: The cost of transporting wheat hither from large grain-growing sections of Illinois was, last fall, sixty cents; and, New York being their most available market, and the price here

ninety cents, the market there at once settled at thirty cents. As this adjustment of prices rests on a law obvious, immutable as gravitation, I presume I need not waste words in establishing it.

I proceed, then, to my next point. The average price of wheat throughout the world is something less than one dollar per bushel; higher where the consumption largely exceeds the adjacent production, lower where the production largely exceeds the immediate consumption (I put out of view in this statement the inequalities created by tariffs, as I choose at this point to argue the question on the basis of universal free trade, which is, of course, the basis most favorable to my opponents). I say, then, if all tariffs were abolished to-morrow, the price of wheat in England—that being the most considerable ultimate market of surpluses, and the chief supplier of our manufactures—would govern the price in this country, while it would be itself governed by the price which that staple could be procured in sufficiency from other grain-growing regions. Now, Southern Russia and Central Poland produce wheat for exportation at thirty to fifty cents per bushel; but the price is so increased by the cost of transportation, that at Dantzic it averages some ninety, and at Odessa some eighty cents per bushel. The cost of importation to England from these ports being ten and fifteen cents, respectively, the actual cost of the article in England, all charges paid, and allowing for a small increase of price consequent on the increased demand, would not, in the absence of all tariffs whatever, exceed one dollar and ten cents per bushel; and this would be the average price at which we must sell it in England, in order to buy thence the great bulk of our manufactures. I think no man will dispute or seriously vary this calculation. Neither can any reflecting man seriously contend that we could purchase forty or fifty millions' worth or more of foreign manufactures per annum, and pay

for them in additional products of our slave labor—in cotton and tobacco. The consumption of these articles is now pressed to its utmost limit—that of cotton especially is borne down by the immense weight of the crops annually thrown upon it, and almost constantly on the verge of a glut. If we are to buy our manufactures principally from Europe, we must pay for the additional amount mainly in the products of Northern agricultural industry—that is universally agreed on. The point to be determined is, whether we could obtain them abroad cheaper—*really* and positively cheaper, all tariffs being abrogated—than under an efficient system of protection.

Let us closely scan this question. Illinois and Indiana, natural grain-growing States, need cloths; and, in the absence of all tariffs, these can be transported to them from England for two to three per cent. of their value. It follows, then, that, in order to undersell any American competition, the British manufacturer need only put his cloths at his factory *five* per cent. below the wholesale price of such cloths in Illinois, in order to command the American market. That is, allowing a fair broadcloth to be manufactured in or near Illinois for three dollars and a quarter per yard, cash price, in the face of British rivalry, and paying American prices for materials and labor, the British manufacturer has only to make that same cloth at three dollars per yard in Leeds or Huddersfield, and he can decidedly undersell his American rival, and drive him out of the market. Mind, I do not say that he *would* supply the Illinois market at that price *after* the American rivalry had been crushed; I know he *would not*; but, so long as any serious effort to build up or sustain manufactures in this country existed, the large and strong European establishments would struggle for the additional market which our growing and plenteous country so invitingly proffers. It is well known that in 1815-16, after the close of the last war,

British manufactures were offered for sale in our chief markets at the rate of "*pound for pound*"—that is, fabrics of which the first cost to the manufacturer was \$4.44, were offered in Boston market at \$3.33, duty paid. This was not sacrifice—it was dictated by a profound forecast. Well did the foreign fabricants know that their self-interest dictated the utter overthrow, at whatever cost, of the young rivals which the war had built up in this country, and which our government and a majority of the people had blindly or indolently abandoned to their fate. William Cobbett, the celebrated Radical, but with a sturdy English heart, boasted upon his first return to England that he had been actively engaged here in promoting the interests of his country, by compassing the destruction of American manufactories in various ways which he specified—"*sometimes* (says he) *by fire*." We all know that great sacrifices are often submitted to by a rich and long established stage owner, steamboat proprietor, or whatever, to break down a young and comparatively penniless rival. So in a thousand instances, especially in a rivalry for so large a prize as the supplying with manufactures of a great and growing nation. But I here put aside all calculations of a temporary sacrifice; I suppose merely that the foreign manufacturers will supply our grain-growing States with cloths at a trifling profit, so long as they encounter American rivalry; and I say it is perfectly obvious that, if it cost three dollars and a quarter a yard to make a fair broadcloth in or near Illinois, in the infancy of our arts, and a like article could be made in Europe for three dollars, then the utter destruction of the American manufacture is inevitable. The foreign drives it out of the market, and its maker into bankruptcy; and now our farmers, in purchasing cloths, "buy where they can buy cheapest," which is the first commandment of free trade, and get their cloth of England at three dollars a yard. I maintain that this would

not last a year after the American factories had been silenced—that then the British operator would begin to think of *profits*, as well as bare cost for his cloth, and to adjust his prices so as to recover what it had cost him to put down the dangerous competition. But let this pass for the present, and say the foreign cloth is sold to Illinois for three dollars per yard. We have yet to ascertain how much she has gained or lost by the operation.

This, says free trade, is very plain and easy. The four simple rules of arithmetic suffice to measure it. She has bought, say, a million yards of foreign cloth for three dollars, where she formerly paid three and a quarter for American; making a clear saving of a quarter of a million dollars.

But not so fast—we have omitted one important element of the calculation. We have yet to see what effect the purchase of her cloth in Europe, as contrasted with its manufacture at home, will have on the price of her agricultural staples. We have seen already that, in case she is forced to sell a portion of her surplus product in Europe, the price of that surplus must be the price which can be procured for it in England, *less* the cost of carrying it there. In other words, the average price in England being one dollar and ten cents, and the average cost of bringing it to New York being at least fifty cents, and then of transporting it to England, at least twenty-five more, the net proceeds to Illinois cannot exceed thirty-five cents per bushel. I need not more than state so obvious a truth as, that the price at which the surplus can be sold governs the price of the whole crop; nor, indeed, if it were possible to deny this, would it at all affect the argument. The real question to be determined is, not whether the American or the British manufacturers will furnish the most cloth for the least *cash*, but which will supply the requisite quantity of cloth for the least *grain in Illinois*. Now, we have seen already that the price of grain at any

point where it is readily and largely produced, is governed by its nearness to, or remoteness from, the market to which its surplus tends, and the least favorable market in which any portion of it must be sold. For instance: If Illinois produces a surplus of five million bushels of grain, and can sell one million of bushels in New York, and two millions in New England, and another million in the West Indies, and for the fifth million is compelled to seek a market in England, and that, being the remotest point at which she sells, and the point most exposed to disadvantageous competition, is naturally the poorest market, that farthest and lowest market to which she sends her surplus will govern, to a great extent, if not absolutely, the price she receives for the whole surplus. But, on the other hand, let her cloths, her wares, be manufactured in her midst, or on the junctions and waterfalls in her vicinity, thus affording an immediate market for her grain, and now the average price of it rises, by an irresistible law, nearly or quite, to the average of the world. Assuming that average to be one dollar, the price in Illinois, making allowance for the fertility and cheapness of her soil, could not fall below an average of seventy-five cents. Indeed, the experience of the periods when her consumption of grain has been equal to her production, as well as that of other sections where the same has been the case, proves conclusively that the average price of her wheat would exceed that sum.

We are now ready to calculate the profit and loss. Illinois, under free trade, with her "workshops in Europe," will buy her cloth twenty-five cents per yard cheaper, and thus make a nominal saving of two hundred and fifty thousand dollars in her year's supply; but, she thereby compels herself to pay for it in wheat at thirty-five instead of seventy-five cents per bushel, or to give over *nine* and one-third bushels of wheat for every yard under free trade, instead of *four* and a third under a



system of home production. In other words, while she is making a quarter of a million dollars by buying her cloth "where she can buy cheapest," she is losing nearly two millions of dollars on the net product of her grain. The striking of a balance between her profit and her loss is certainly not a difficult, but rather an unpromising, operation.

Or, let us state the result in another form: She can buy her cloth a little cheaper in England—labor being there lower, machinery more perfect, and capital more abundant; but, in order to pay for it, she must not merely sell her own products at a correspondingly low price, but enough lower to overcome the cost of transporting them from Illinois to England. She will give the cloth-maker in England less grain for her cloth than she would give to the man who made it on her own soil; but, for every bushel she sends him in payment for his fabric, she must give two to the wagoner, boatman, shipper, and factor who transport it thither. On the whole product of her industry, two-thirds is tolled out by carriers, and bored out by inspectors, until but a beggarly remnant is left to satisfy the fabricator of her goods.

And here, I trust, I have made obvious to you the law which dooms an agricultural country to inevitable and ruinous disadvantage in exchanging its staples for manufactures, and involves it in perpetual and increasing debt and dependence. The *fact* I early alluded to; is not the *reason* now apparent? It is not that agricultural communities are more extravagant or less industrious than those in which manufactures or commerce preponderate—it is because there is an inevitable disadvantage to agriculture in the very nature of all distant exchanges. Its products are far more perishable than any other; they cannot so well await a future demand; but in their excessive bulk and density is the great evil. We have seen that, while the English manufacturer can send his fabrics to Illinois for less than five

per cent. on their first cost, the Illinois farmer must pay two hundred per cent. on his grain for its transportation to English consumers. In other words, if the English manufacturer need only produce his goods five per cent. below the American to drive the latter out of the Illinois market, the Illinoisan must produce wheat for *one-third* of its English price, in order to compete with the English and Polish grain-grower in Birmingham and Sheffield.

And here is the answer to that scintillation of free trade wisdom which flashes out in wonder that *manufactures* are eternally and especially in want of protection, while agriculture and commerce need none. The assumption is false in any sense—our commerce and navigation cannot live without protection—never did live so—but let that pass. It is the interest of the whole country which demands that that portion of its industry, which is *most exposed* to ruinous foreign rivalry, should be cherished and sustained. The wheat-grower, the grazer, is protected by ocean and land; by the fact that no foreign article can be introduced to rival his, except at a cost for transportation of some thirty to one hundred per cent. on its value; while our manufactures can be inundated by foreign competition at a cost of some two to ten per cent. It is the grain-grower, the cattle-raiser, who is protected by a duty on foreign manufactures, quite as much as the spinner or shoemaker. He who talks of manufactures being protected, and nothing else, might just as sensibly complain that we fortify Boston and New York, and not Pittsburgh, and Cincinnati.

Again, you see here our answer to those philosophers who modestly tell us that their views are liberal and enlightened, while ours are benighted, selfish, and un-Christian. They tell us that the foreign factory-laborer is anxious to exchange with us the fruits of his labor—that he asks us to give him our surplus of grain for the cloth that he is ready to make cheaper than we now can get it, while we have

a superabundance of bread. Now, putting for the present out of the question the fact that, though *our* tariff were abolished, *his* could remain—that neither England, nor France, nor any great manufacturing country, would receive our grain untaxed, though we offered so to take their goods—especially the fact that they never *did* so take of us while we were freely taking of them—we say to them, “Sirs, we are willing to take cloth of you for grain; but why prefer to trade at a ruinous disadvantage to both? Why should there be half the diameter of the earth between him who makes coats and him who makes bread, the one for the other? We are willing to give you bread for clothes; but we are not willing to pay two-thirds of our bread as the cost of transporting the other third to you, because we sincerely believe it needless, and greatly to our disadvantage. We are willing to work for, and buy of you, but not to support the useless and crippling activity of a falsely directed commerce; not to contribute by our sweat to the luxury of your nobles, the power of your kings. But come to us, you who are honest, peaceable, and industrious; bring hither your machinery, or, if that is not yours, bring out your sinews; and we will aid you to reproduce the implements of your skill. We will give you more bread for your cloth here than you can possibly earn for it where you are, if you will but come among us and aid us to sustain the policy that secures steady employment, and a fair reward to home industry. We will no longer aid to prolong your existence in a state of semi-starvation where you are; but we are ready to share with you our plenty and our freedom here.” Such is the answer which the friends of protection make to the demand and the imputation; judge ye whether our policy be indeed selfish, unchristian, and insane.

I now proceed to set forth my

PROPOSITION IV. *That equilibrium between agriculture, manufactures, and commerce, which*

*we need, can only be maintained by means of protective duties.*

You will have seen that the object we seek is not to make our country a manufacturer for other nations, but for herself—not to make her the baker, and brewer, and tailor of other people, but of her own household. If I understand at all the first rudiments of national economy, it is best for each and all nations that each should mainly fabricate for itself, freely purchasing of others all such staples as its own soil or climate proves ungenial to. We appreciate quite as well as our opponents the impolicy of attempting to grow coffee in Greenland, or glaciers in Malabar—to extract blood from a turnip, or sunbeams from cucumbers. A vast deal of wit has been expended on our stupidity by our acuter adversaries, but it has been quite thrown away, except as it has excited the hollow laughter of the ignorant, as well as thoughtless. All this, however sharply pushed, falls wide of our true position. To all the fine words we hear about “the impossibility of counteracting the laws of Nature,” “Trade regulating itself,” etc., etc., we bow with due deference, and wait for the sage to resume his argument. What we *do* affirm is this, *that it is best for every nation to make at home all those articles of its own consumption that can just as well—that is, with nearly or quite as little labor—be made there as anywhere else.* We say it is not wise, it is not well, to send to France for boots, to Germany for hose, to England for knives and forks, and so on; because the real cost of them would be less—even though the nominal price should be slightly more—if we made them in our own country; while the facility of paying for them would be much greater. We do not object to the occasional importation of choice articles to operate as specimens and incentives to our own artisans, to improve the quality and finish of their workmanship—where the home competition does not avail to bring the process to its perfection, as it often will. In

such cases, the rich and luxurious will usually be the buyers of these choice articles, and can afford to pay a good duty. There are gentlemen of extra polish in our cities and villages who think no coat good enough for them which is not woven in an English loom—no boot adequately transparent which has not been fashioned by a Parisian master. I quarrel not with their taste; I only say that, since the government *must* have revenue and the American artisan *should* have protection, I am glad it is so fixed that these gentlemen shall contribute handsomely to the former, and gratify their aspirations with the least possible detriment to the latter. It does not invalidate the fact, nor the efficiency of protection, that foreign competition with American workmanship is not entirely shut out. It is the *general* result which is important, and not the exception. Now, he who can seriously contend, as some have seemed to do, that protective duties do not aid and extend the domestic production of the articles so protected, might as well undertake to argue the sun out of the heavens at mid-day. All experience, all common sense, condemn him. Do we not know that our manufactures first shot up under the stringent protection of the embargo and war? that they withered and crumbled under the comparative free trade of the few succeeding years? that they were revived and extended by the tariffs of 1824 and '28? Do we not know that Germany, crippled by British policy, which inundated her with goods, yet excluded her grain and timber, was driven, years since, to the establishment of her "Zoll-Verein," or tariff union—a measure of careful and stringent protection, under which manufactures have grown up and flourished through all her many States? She has adhered steadily, firmly, to her protective policy, while we have faltered and oscillated; and what is the result? She has created and established her manufactures; and, in doing so, has vastly increased her wealth, and augmented the reward

of her industry. Her public sentiment, as expressed through its thousand channels, is almost unanimous in favor of the protective policy; and now, when England, finding at length that her cupidity has overreached itself—that she cannot supply the Germans with clothes, refuses to buy their bread—talks of relaxing her corn-laws in order to coax back her ancient and profitable customer, the answer is, "No; it is now too late. We have built up home manufactures in repelling your rapacity—we cannot destroy them at your caprice. What guarantee have we that, should we accede to your terms, you would not return again to your policy of taking all and giving none, so soon as our factories had crumbled into ruin? Besides, we have found that we can make cheaper—really cheaper—than we were able to buy—can pay better wages to our laborers, and secure a better and steadier market for our products. We are content to abide in the position to which you have driven us. Pass on!"

But this is not the sentiment of Germany alone. All Europe acts on the principle of self-protection; because all Europe sees its benefits. The British journals complain that, though they have made a show of relaxation in their own tariff, and their Premier has made a free trade speech in Parliament, the chaff has caught no birds; *but six hostile tariffs*—all protective in their character, and all aimed at the supremacy of British manufactures—were enacted within the year 1842. And thus, while schoolmen plausibly talk of the adoption and spread of the free trade principles, and their rapid advances to speedy ascendancy, the practical man knows that the truth is otherwise, and that many years must elapse before the great Colossus of manufacturing monopoly will find another Portugal to drain of her life-blood under the delusive pretence of a commercial reciprocity. And, while Britain continues to pour forth her specious treatises on political economy, proving protection a mistake, and an impossibility,

through her Parliamentary reports and speeches in praise of free trade, the shrewd statesmen of other nations humor the joke with all possible gravity, and pass it on to the next neighbor; yet all the time take care of their own interests, just as though Adam Smith had never speculated, nor Peel soberly expatiated, on the blessings of free trade, looking round occasionally with a curious interest to see whether anybody was really taken in by it.

I have partly anticipated, yet I will state distinctly, my

PROPOSITION V. *Protection is necessary and proper to sustain as well as to create a beneficent adjustment of our national industry.*

"Why can't our manufacturers go alone?" petulantly asks a free-trader; "they have had protection long enough. They ought not to need it any more." To this I answer, that, if manufactures were protected as a matter of special bounty or favor to the manufacturers, a single day were too long. I would not consent that they should be sustained one day longer than the interests of the *whole* country required. I think you have already seen that, not for the sake of manufacturers, but for the sake of all productive labor, should protection be afforded. If I have been intelligible, you will have seen that the purpose and essence of protection is LABOR-SAVING—the making two blades of grass grow, instead of one. This it does by "planting the manufacturer as nearly as may be by the side of the farmer," as Mr. Jefferson expressed it, and thereby securing to the latter a market for which he had looked to Europe in vain. Now, the market of the latter is certain as the recurrence of appetite; but that is not all. The farmer and the manufacturer, being virtually neighbors, will interchange their productions directly, or with but one intermediate, instead of sending them reciprocally across half a continent and a broad ocean, through the hands of many holders, until the toll taken out by one after another has exceeded what re-

mains of the grist. "Dear-bought and far-fetched" is an old maxim, containing more *essential* truth than many a chapter by a modern professor of political economy. Under the protective policy, instead of having one thousand men making cloth in one hemisphere, and an equal number raising grain in the other, with three thousand factitiously employed in transporting and interchanging these products, we have over two thousand producers of grain, and as many of cloth, leaving far too little employment for one thousand in making the exchanges between them. This consequence is inevitable; although the production on either side is not confined to the very choicest locations, the total product of their labor is twice as much as formerly. In other words, there is a double quantity of food, clothing, and all the necessities and comforts of life, to be shared among the producers of wealth, simply from the diminution of the number of non-producers. If all the men now enrolled in armies and navies were advantageously employed in productive labor, there would doubtless be a larger dividend of comforts and necessities of life for all, because more to be divided than now, and no greater number to receive it; just so in the case before us. Every thousand persons employed in needless transportation, and in factitious commerce, are so many subtracted from the great body of producers, from the proceeds of whose labor all must be subsisted. The dividend for each must, of course, be governed by the magnitude of the quotient.

But, if this be so advantageous, it is queried, why is any legislation necessary? Why should not all voluntarily see and embrace it? I answer, because the apparent individual advantage is often to be pursued by a course directly adverse to the general welfare. We know that free trade asserts the contrary of this: maintaining that if every man pursues that course most conducive to his individual interest the general good will thereby be most certainly and

signally promoted. But, to say nothing of the glaring exceptions to this law which crowd our statute-books with injunctions and penalties, we are everywhere met with pointed contradictions of its assumption, which hallows and blesses the pursuits of the gambler, the distiller, and the libertine, making the usurer a saint, and the swindler a hero. Adam Smith himself admits that there are avocations which enrich the individual, but impoverish the community. So in the case before us. A B is a farmer in Illinois, and has much grain to sell or exchange for goods. But, while it is demonstrable that, if *all* the manufactures consumed in Illinois were produced there, the price of grain must rise nearly to the average of the world, it is equally certain that A B's *single act*, in buying and consuming American cloth, will not raise the price of grain generally, nor of *his* grain. It will not perceptibly affect the price of grain at all. A solemn compact of the whole community to use only American fabrics, would have some effect; but this could never be established, nor never enforced. A few free traders standing out, selling their grain at any advance which might accrue, and buying "where they could buy cheapest," would induce one after another to look out for No. 1, and let the public interests take care of themselves; so the whole compact would fall to pieces like a rope of sand. Many a one would say, "Why should I aid to keep up the price of produce? I am only a *consumer* of it"—not realizing or caring for the interest of the community, even though it less palpably involved his own; and that would be an end. Granted that it is desirable to encourage and prefer home production and manufacture, a tariff is the obvious way, and the only way, in which it can be effectively and certainly accomplished.

But why is a tariff necessary after manufactures are once established? "You say," says a free-trader, "that you can manufacture cheaper if protected than we can buy abroad;

then why not do it *without* protection, and save all trouble?" Let me answer this cavil:

I will suppose that the manufactures of this country amount in value to one hundred millions of dollars per annum, and those of Great Britain to three hundred millions. Let us suppose, also, that under an efficient protective tariff, ours are produced five per cent. cheaper than those of England, and that our own markets are supplied entirely from the home product. But, at the end of this year, 1843, we,—concluding that our manufactures have been protected long enough, and ought now to go alone—repeal absolutely our tariff, and commit our great interests thoroughly to the guidance of "free trade." Well, at this very time the British manufacturers, on making up the account and review of their year's business, find that they have manufactured goods costing them three hundred millions, as aforesaid, and have sold to just about that amount, leaving a residue or surplus on hand of fifteen or twenty millions' worth. These are to be sold; and their net proceeds will constitute the interest on their capital, and the profit on their year's business. But *where* shall they be sold? If crowded on the home or their established foreign markets, they will glut and depress those markets, causing a general decline of prices and a heavy loss, not merely on this quantity of goods, but on the whole of their next year's business. They know better than to do any such thing. Instead of it, they say, "Here is the American market just thrown open to us by a repeal of their tariff; let us send thither our surplus, and sell it for what it will fetch." They ship it over accordingly, and in two or three weeks it is rattling off through our auction stores, at prices, first five, then ten, fifteen, twenty, and down to thirty per cent. below our previous rates. Every jobber and dealer is tickled with the idea of buying goods of novel patterns so wonderfully cheap; and the sale proceeds briskly, though at constantly de-

clining prices, till the whole stock is disposed of, and our market is gorged to repletion.

Now, the British manufacturers may not have received for the whole twenty millions' worth of goods over fourteen or fifteen millions; but what of it? Whatever it may be is clear profit on their year's business in cash or its full equivalent. All their established markets are kept clear and eager; and they can now go on vigorously and profitably with the business of the new year. But more: They have crippled an active and growing rival; they have opened a new market, which shall ere long be theirs also.

Let us look at our side of the question:

The American manufacturers have also a stock of goods on hand, and they come into our market to dispose of them. But they suddenly find that market forestalled and depressed by rival fabrics of attractive novelty, and selling in profusion, at prices which rapidly run down to twenty-five per cent below cost. What are they to do? They cannot force sales at any price not utterly ruinous; there is no demand at any rate. They cannot retaliate upon England the mischief they must suffer—her tariff forbids; and the other markets of the world are fully supplied, and will bear but a limited pressure. The foreign influx has created a scarcity of money as well as a plethora of goods. Specie has largely been exported in payment, which has compelled the banks to contract and deny loans. Still, their obligations must be met; if *they* cannot make sales, *the sheriff* will, and must. It is not merely their surplus, but their whole product, which has been depreciated and made unavailable at a blow. The end is easily foreseen; our manufacturers become bankrupt, and are broken up; their works are brought to a dead stand; the laborers therein, after spending months in constrained idleness, are driven by famine into the Western wilderness, or into less productive and less congenial vocations; their acquired skill

and dexterity, as well as a portion of their time, are a dead loss to themselves and the community; and we commence the slow and toilsome process of rebuilding and rearranging our industry on the one-sided or agricultural basis. Such is the process which we have undergone twice already. How many repetitions shall satisfy us?

Now, will any man gravely argue that we have *made* five or six millions by this cheap purchase of British goods—by “buying where we could buy cheapest?” Will he not see that, though the *price* was low, the *cost* is very great? But the apparent saving is doubly deceptive; for the British manufacturers, having utterly crushed their American rivals by one or two operations of this kind, soon find here a market, not for a beggarly surplus of fifteen or twenty millions, but they have now a demand for the amount of our whole consumption, which, making allowance for our diminished ability to pay, would probably still reach fifty millions per annum. This increased demand would soon produce activity and buoyancy in the general market; and now the foreign manufacturers would say in their consultations, “We have sold some millions' worth of goods to America for less than cost, in order to obtain control of that market; now we have it, and must retrieve our losses”—and they *would* retrieve them, with interest. They would have a perfect right to do so. I hope no man has understood me as implying any infringement of the dictates of honesty on their part, still less of the laws of trade. They have a perfect right to sell goods in our markets on such terms as we prescribe and they can afford; it is *we*, who set up our own vital interests to be bowled down by their rivalry, who are alone to be blamed.

Who does not see that this sending out our great industrial interests unarmed and unshielded to battle against the mail-clad legions opposed to them in the arena of trade, is to insure their destruction? It were just as wise to say that,

because our people are brave, therefore they shall repel any invader without fire-arms, as to say that the restrictions of other nations ought not to be opposed by us because our artisans are skillful, and our manufactures have made great advances. The very fact that our manufactures are greatly extended and improved, is the strong reason why they should not be exposed to destruction. If they were of no amount or value, their loss would be less disastrous; but now the five or six millions we should make on the cheaper importation of goods would cost us one hundred millions in the destruction of manufacturing property alone.

Yet this is but an item of our damage. The manufacturing classes feel the first effect of the blow, but it would paralyze every muscle of society. One hundred thousand artisans and laborers, discharged from our ruined factories, after being some time out of employment, at a waste of millions of the national wealth, are at last driven by famine to engage in other avocations—of course with inferior skill, and at an inferior price. The farmer, gardener, grocer, lose them as customers to meet them as rivals. They crowd the labor markets of those branches of industry which we are still permitted to pursue, just at the time when the demand for their products has fallen off, and the price is rapidly declining. The result is just what we have seen in a former instance: All that any man may make by buying foreign goods cheap, he loses ten times over by the decline of his own property, product, or labor; while to nine-tenths of the whole people the result is unmixed calamity. The disastrous consequences to a nation of the mere derangement and paralysis of its industry, which must follow the breaking down of any of its great producing interests, have never yet been sufficiently estimated. Free trade, indeed, assures us that every person thrown out of employment in one place or capacity has only to choose another; but almost every working-man knows from experience that

such is not the fact—that the loss of situation through the failure of his business is oftener a sore calamity. I know a worthy citizen who spent six years in learning the trade of a hatter, which he had just perfected in 1798, when an immense importation of foreign hats utterly paralyzed the manufacture in this country. He traveled and sought for months, but could find no employment at any price, and at last gave up the pursuit, found work in some other capacity, and has never made a hat since. He lives yet, and now comfortably, for he is industrious and frugal; but the six years he gave to learn his trade were utterly lost to him—lost for the want of adequate and steady protection to home industry. I insist that the government has failed of discharging its proper and rightful duty to that citizen, and to thousands, and tens of thousands, who have suffered from like causes. I insist that, if the government had permitted without complaint a foreign force to land on our shores, and plunder that man's house of the savings of six years of faithful industry, the neglect of duty would not have been more flagrant. And I firmly believe that the people of this country are one thousand millions of dollars poorer at this moment than they would have been had their entire productive industry been constantly protected, on the principles I have laid down, from the formation of the government till now. The steadiness of employment and of recompense thus secured, the comparative absence of constrained idleness, and the more efficient application of the labor actually performed, would have vastly increased the product—would have improved and beautified the whole face of the country; and the moral and intellectual advantages thence accruing would alone have been inestimable. A season of suspension of labor in a community is usually one of aggravated dissipation, drunkenness, and crime.

But let me more clearly illustrate the effect of foreign competition in raising prices to the con-

sumer. To do this, I will take my own calling for an example, because I understand that best; though any of you can apply the principle to that with which he may be better acquainted. I am a publisher of newspapers, and suppose I afford them at a cheap rate. But the ability to maintain that cheapness is based on the fact that I can certainly sell a large edition daily, so that no part of that edition shall remain a dead loss on my hands. Now, if there were an active and formidable foreign competition in newspapers—if the edition which I printed through the night were frequently rendered unsalable by the arrival of a foreign ship freighted with newspapers early in the morning—the present rates could not be continued. The price must be increased, or the quality would decline. I presume this holds equally good of the production of calicoes, glass, and penknives as of newspapers, though it may be somewhat modified by the nature of the article to which it is applied. That it does hold true of sheetings, nails, and thousands of articles, is abundantly notorious.

I have not burdened you with statistics—you know they are the reliance, the stronghold, of the cause of protection, and that we can produce them by acres. My aim has been to exhibit not mere collections of facts, however pertinent and forcible, but the *laws* on which those facts are based—not the immediate manifestation, but the ever-living necessity from which it springs. The contemplation of these laws assures me that those articles which are supplied to us by home production alone are relatively cheaper than those which are rivaled and competed with from abroad. And I am equally confident that the shutting out of foreign competition from our markets for other articles of general necessity and liberal consumption, which can be made here with as little labor as anywhere, would be followed by a corresponding result—a reduction of the price to the consumer at the same time with increased employment and reward to our producing classes.

But, Mr. President, were this only on one side true—were it certain that the price of the home product would be permanently higher than that of the foreign, I should still insist on efficient protection, and for reasons I have sufficiently shown. Grant that a British cloth costs but \$3 per yard, and a corresponding American fabric \$4, I still hold that the latter would be decidedly the cheaper for us. The fuel, timber, fruits, vegetables, etc., which make up so large a share of the cost of the home product, would be rendered comparatively valueless by having our workshops in Europe. I look not so much to the nominal price as to the comparative facility of payment. And, where cheapness is only to be attained by a depression of the wages of labor to the neighborhood of the European standard, I prefer that it should be dispensed with. One thing must answer to another; and I hold that the farmers of this country can better afford, as a matter of pecuniary advantage, to pay a good price for manufactured articles than to obtain them lower through the depression and inadequacy of the wages of the artisan and laborer.

You will understand me, then, to be utterly hostile to that idol of free trade worship, known as free or unlimited competition. The sands of my hour are running low, and I cannot ask time to examine this topic more closely; yet I am confident I could show that this free competition is a most delusive and dangerous element of political economy. Bear with a brief illustration: At this moment, common shirts are made in London at the incredibly low price of *three cents per pair*. Should we admit these articles free of duty, and buy them because they are so cheap? Free trade says, Yes; but I say, No! Sound policy as well as humanity forbids it. By admitting them, we simply reduce a large and worthy and suffering class of our population from the ability they now possess of procuring a bare subsistence by their labor, to unavoidable destitution and pauperism. They must now



subsist upon the charity of relatives or of the community—unless we are ready to adopt the demoniac doctrine of the free trade philosopher Malthus, that the dependent poor ought to be rigorously starved to death. Then what have we gained by getting these articles so exorbitantly cheap? Or, rather, what have we not lost? The labor which formerly produced them is mainly struck out of existence; the poor widows and seamstresses among us must still have a subsistence; and the imported garments must be paid for. Where are the profits of our speculation?

But even this is not the worst feature of the case. The labor which we have here thrown out of employment by the cheap importation of this article is now ready to be employed again at any price—if not one that will afford bread and straw, then it must accept one that will produce potatoes and rubbish; and with the product some free-trader proceeds to break down the price, and destroy the reward of similar labor in some other portion of the earth. And thus each depression of wages produces another, and that a third, and so on, making the circuit of the globe—the aggravated necessities of the poor acting and reacting upon each other, increasing the omnipotence of capital, and deepening the dependence of labor, swelling and pampering a bloated and factitious commerce, grinding down and grinding down the destitute, until Malthus' remedy for poverty shall become a grateful specific, and, amid the splendors and luxuries of an all-devouring commercial feudalism, the squalid and famished millions, its dependents and victims, shall welcome death as a deliverer from their sufferings and despair.

I wish time permitted me to give a hasty glance over the doctrines and teachings of the free trade sophists, who esteem themselves the political economists, christen their own views liberal and enlightened, and complacently put ours aside as benighted and barbarous. I should delight to show you how they mingle sub-

tle fallacy with obvious truth, how they reason acutely from assumed premises, which, being mistaken or incomplete, lead to false and often absurd conclusions—how they contradict and confound each other, and often, from Adam Smith, their patriarch, down to McCulloch and Ricardo, either make admissions which undermine their whole fabric, or confess themselves ignorant or in the dark on points the most vital to a correct understanding of the great subject they profess to have reduced to a science. Yet even Adam Smith himself expressly approves and justifies the British Navigation Act, the most aggressively protective measure ever enacted—a measure which, not being understood and seasonably counteracted by other nations, changed for centuries the destinies of the world—which silently sapped and overthrew the commercial and political greatness of Holland,—which silenced the thunder of Van Tromp, and swept the broom from his mast-head. But I must not detain you longer. I do not ask you to judge of this matter by authority, but from facts, which come home to your reason and your daily experience. There is not an observing and strong-minded mechanic in our city who could not set any one of these doctors of the law right on essential points. I beg you to consider how few great practical statesmen they have ever been able to win to their standard—I might almost say, none; for Huskisson was but a nominal disciple, and expressly contravened their whole system upon an attempt to apply it to the corn laws; and Calhoun is but a free-trader by location, and has never yet answered his own powerful arguments in behalf of protection. On the other hand, we point you to the long array of mighty names which have illustrated the annals of statesmanship of modern times—to Chatham, William Pitt, and the great Frederick of Prussia; to the whole array of memorable French statesmen, including Napoleon, the first of them all; to our own WASHINGTON, HAMILTON,

JEFFERSON, and MADISON; to our two CLINTONS, TOMPKINS, to say nothing of the eagle-eyed and genial-hearted LIVING master-spirit [Henry Clay] of our time. The opinions and the arguments of all these are on record; it is by hearkening to and heeding their counsels that we shall be prepared to walk in the light of

experience, and look forward to a glorious national destiny. My friends! I dare not detain you longer. I commit to you the cause of the nation's independence, of her stability, and her prosperity. Guard it wisely, and shield it well; for it involves your own happiness, and the enduring welfare of your countrymen!



## JOHN C. CALHOUN.

**J**OHN C. CALHOUN was born in Abbeville district, South Carolina, March 18, 1782. During his early youth he labored on the farm, assisting his widowed mother in its cultivation and management. His education, however, was not neglected during these years, for, at the age of twenty-two, he graduated with high honors from Yale College. Soon after he entered the Litchfield law school, and spent eighteen months in the most assiduous study of his chosen profession. After the completion of his course of study, he returned to his native State, and, in a few years, won the distinction of being recognized as her most beloved and highly honored son.

The trouble which culminated in the second war with Great Britain, was then at its height, and Mr. Calhoun took strong grounds in opposition to the encroachments of that power, and became an active leader of the war party.

Soon after his return to his native State, he was elected to the State Legislature, and, in 1811, was chosen to represent his district in Congress. In

politics he was a Democrat of the most pronounced type, and his fine abilities marked him, before the people, a leader of that party, and the most able exponent of its doctrines.

The tariff question, before the country in 1816, found in him an able supporter, and the United States Bank had no firmer friend or advocate.

From October 8, 1817, to March 6, 1825, he served as Secretary of War in the cabinet of President Monroe. In the latter year he was elected to the office of Vice-President, and was re-elected in 1829, when General Jackson was chosen to the Presidency. One of the most important questions before the country at that time was "Free Trade and Protection," and Mr. Calhoun's opinions on the question having undergone a change about the year 1828, he became an advocate of free trade, as being right in principle, and most conducive to the prosperity of the South.

According to Alexander H. Stephens, Mr. Calhoun was the champion and expounder of the doctrine that "any State can nullify unconstitutional laws



JOHN C. CALHOUN.

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of Congress." Mr. Calhoun certainly enjoys the fame of being the father and expounder of the doctrines of States Rights or State Sovereignty, in its broadest and most radical sense. It was the foundation upon which the nullification doctrines and proceedings were based.

The contest on this question between Hayne and Webster, in the Senate, caused Calhoun to resign the Vice-Presidency in 1832, to become a Senator from South Carolina, that he might take a more active part in the debates then in progress. This was the first time that question had been prominently discussed before the country, but, from this time onward, it never slept, until, in connection with the slavery question, it plunged the nation into civil war, and deluged the land in blood.

Mr. Calhoun was an advocate of the nullification act, passed by the Legislature of South Carolina, but cordially supported the tariff compromise of Henry Clay, in 1833, according to which the protective policy was to be abandoned after ten years.

In March, 1843, Mr. Calhoun retired from the Senate, and became Secretary of State to President Tyler the follow-

ing year. In 1845 he was again returned to the Senate, of which body he remained a member until his death. While Secretary of State, in 1844, he favored the annexation of Texas, but in 1846, in the Senate, opposed the Mexican war.

Mr. Calhoun was a debater of signal power, none being his equal upon the floor of the Senate, except Webster and Clay. It was his lot to take part in the affairs of the country for many years, and it was always a prominent part. He was earnestly devoted to what he believed to be for the prosperity of his State and section. His love for the Union, and fealty to it, was subordinate to his allegiance to his State. Much might be written concerning the influence of his teachings upon the subsequent history of the country, but it would extend this brief sketch beyond its intended limits, and would be, even then, unsatisfactory to those who might desire to make a careful study of the subject.

Mr. Calhoun died March 31st, 1850, deeply mourned by all who admired his genius, and believed in his principles. Of those who had been his principal opponents, Clay and Webster survived him but a short time.



### LAST SPEECH: SLAVERY.

*Mr. Calhoun's Speech, delivered March 4, 1850.*

I have, Senators, believed from the first, that the agitation of the subject of slavery would, if not prevented by some timely and effective measure, end in disunion. Entertaining this opinion, I have, on all proper occasions, endeavored to call the attention of both of the two great parties which divide the country, to adopt some such measure to prevent so great a disaster, but without success. The agitation has been permitted to proceed, with almost no attempt to resist it, until it has reached a period when it can no longer be disguised or denied that the Union is in danger. You have thus had forced upon you the greatest and the gravest question that ever can come under your consideration, How can the Union be preserved?

To give a satisfactory answer to this mighty question, it is indispensable to have an accurate and thorough knowledge of the nature and the character of the cause by which the Union is endangered. Without such knowledge it is impossible to pronounce, with any certainty, by what means it can be saved; just as it would be impossible for a physician to pronounce, in the case of some dangerous disease, with any certainty, by what remedy the patient could be saved, without similar knowledge of the nature and character of the cause of the disease. The first question, then, presented for consideration, in the investigation I propose, in order to obtain such knowledge, is—What is it that has endangered the Union?

To this question there can be but one answer—that the immediate cause is, the almost universal discontent which pervades all the States composing the Southern section of the Union. This widely extended discontent is not of recent

origin. It commenced with the agitation of the slavery question, and has been increasing ever since. The next question is, What has caused this wide-diffused and almost universal discontent?

It is a great mistake to suppose, as is by some, that it originated with demagogues, who excited the discontent with the intention of aiding their personal advancement, or with disappointed, ambitious individuals, who resorted to it as the means of raising their fallen fortunes. There is no foundation for this opinion. On the contrary, all the great political influences of the section were arrayed against excitement, and exerted to the utmost to keep the public quiet. The great mass of the people of the South were divided, as in the other section, into Whigs and Democrats. The leaders and the presses of both parties in the South were very solicitous to prevent excitement, and restore quiet; because it was seen that the effects of the former would necessarily tend to weaken, if not destroy, the political ties which united them with their respective parties in the other section. Those who know the strength of party ties will readily appreciate the immense force which this cause exerted against agitation, and in favor of preserving quiet. But, as great as it was, it was not sufficiently so to prevent the wide-spread discontent which now pervades the section. No; some cause far deeper and more powerful must exist, to produce a discontent so wide and deep, than the one inferred. The question then recurs, What is the cause of this discontent? It will be found in the belief of the people of the Southern States, as prevalent as the discontent itself, that they cannot remain,

as things now are, consistently with honor and safety, in the Union. The next question, then, to be considered is, What has caused this belief?

One of the causes is, undoubtedly, to be traced to the long-continued agitation of the slave question on the part of the North, and the many aggressions which they have made on the rights of the South, during that time. I will not enumerate them at present, as it will be done hereafter in its proper place.

There is another, lying back of it, but with which this is intimately connected, that may be regarded as the great and primary cause. It is to be found in the fact that the equilibrium between the two sections in the government, as it stood when the Constitution was ratified, and the government put in action, has been destroyed. At that time, there was nearly a perfect equilibrium between the two, which afforded ample means to each to protect itself against the aggression of the other; but as it now stands, one section has exclusive power of controlling the government, which leaves the other without any adequate means of protecting itself against its encroachment and oppression. To place this subject distinctly before you, I have, Senators, prepared a brief statistical statement, showing the relative weight of the two sections in the government under the first census of 1790, and the last census of 1840.

According to the former, the population of the United States, including Vermont, Kentucky, and Tennessee, which then were in their incipient condition of becoming States, but were not actually admitted, amounted to 3,929,827. Of this number, the Northern States had 1,977,899, and the Southern 1,952,072, making a difference of only 25,827 in favor of the former States. The number of States, including Vermont, Kentucky and Tennessee, was sixteen, of which eight, including Vermont, belonged to the Northern section, and eight, including Kentucky and Tennessee, to the Southern,

making an equal division of the States between the two sections, under the first census. There was a small preponderance in the House of Representatives, and in the electoral college, in favor of the Northern, owing to the fact that, according to the provisions of the Constitution, in estimating Federal numbers, five slaves count but three; but it was too small to affect sensibly the perfect equilibrium of numbers, which, with that exception, existed at that time, a true, perfect equilibrium. Such was the equality of the two sections when the States composing them agreed to enter into a Federal Union. Since then, the equilibrium between them has been greatly disturbed.

According to the last census, the aggregate population of the United States amounted to 17,063,357, of which the Northern section contained 9,728,920, and the Southern 7,334,437, making a difference, in round numbers, of 2,400,000. The number of States had increased from sixteen to twenty-six, making an addition of ten States. In the meantime, the position of Delaware had become doubtful, as to which section she properly belonged. Considering her as neutral, the Northern States will have thirteen, and the Southern States twelve, making a difference in the Senate of two Senators in favor of the former. According to the apportionment under the census of 1840, there were 223 members of the House of Representatives, of which the Northern States had 135, and the Southern States (considering Delaware as neutral), 87; making a difference in favor of the former, in the House of Representatives, of 48; the difference in the Senate of two members added to this, gives to the North, in the electoral college, a majority of 50. Since the census of 1840, four States have been added to the Union; Iowa, Wisconsin, Florida, and Texas. They leave the difference in the Senate as it stood when the census was taken, but add two to the side of the North in the House, making the present majority in the House in its



favor, of 50, and in the electoral college, of 52.

The result of the whole is to give the Northern section a predominance in every department of the government, and thus concentrate in it the two elements which constitute the Federal government—majority of States, and a majority of their population, estimated in Federal numbers. Whatever section concentrates the two in itself, must possess control of the entire government.

But we are just at the close of the sixth decade, and the commencement of the seventh. The census is to be taken this year, which must add greatly to the decided preponderance of the North in the House of Representatives, and in the electoral college. The prospect is, also, that a great increase will be added to its present preponderance during the period of the decade, by the addition of new States. Two Territories—Oregon and Minnesota—are already in progress, and strenuous efforts are making to bring in three additional States from the territory recently conquered from Mexico, which, if successful, will add three other States in a short time to the Northern section, making five States, and increasing its present number of States from 15 to 20, and of its Senators from 30 to 40. On the contrary, there is not a single Territory in progress in the Southern section, and no certainty that any additional State will be added to it during the decade. The prospect then, is, that the two sections in the Senate, should the efforts now made to exclude the South from the newly conquered Territories succeed, will stand, before the end of the decade, twenty Northern States to twelve Southern (conceding Delaware as neutral), and forty Northern senators to twenty-four Southern. This great increase of senators, added to the great increase of members of the House of Representatives, and electoral college, on the part of the North, which must take place upon the next decade, will effectually and eventually destroy the

equilibrium which existed when the government commenced.

Had this destruction been the operation of time, without the interference of government, the South would have had no reason to complain; but such was not the fact. It was caused by the legislation of this government, which was appointed as the common agent of all, and charged with the protection of the interests and security of all. The legislation by which it has been effected may be classed under three heads.

The first is that series of acts by which the South has been excluded from the common territory belonging to all the States, as the members of the Federal Union, which has had the effect of extending vastly the portion allotted to the Northern section, and restricting within narrow limits the portion left the South. The next consists in adopting a system of revenue and disbursements by which an undue proportion of the burthen of taxation has been imposed upon the South, and an undue proportion of its proceeds appropriated to the North; and the last in a system of political measures by which the original character of the government has been radically changed.

I propose to bestow upon each of these, in the order they stand, a few remarks, with the view of showing that it is owing to the action of this government, that the equilibrium between the two sections has been destroyed, and the whole power of the system centered in a sectional majority.

The first of the series of acts by which the South was deprived of its due share of the Territories, originated with the Confederacy, which preceded the existence of this government. It is to be found in the provisions of the ordinance of 1787. Its effect was to exclude the South entirely from that vast and fertile region which lies between the Ohio and the Mississippi, now embracing five States and one Territory. The next of the series is the Missouri Compromise, which excluded the South from that large por-

tion of Louisiana which lies north of  $36^{\circ} 30'$ , excepting what is included in the State of Missouri. The last of the series excludes the South from the whole of the Oregon Territory. All these, in the slang of the day, were what is called slave territory, and not free soil; that is, Territories belonging to slaveholding powers, and open to the emigration of masters with their slaves. By these several acts, the South was excluded from 1,238,025 square miles, an extent of country considerably exceeding the entire Valley of the Mississippi. To the South was left the portion of the Territory of Louisiana lying south of  $36^{\circ} 30'$ , and the portion north of it included in the State of Missouri; the portion lying south of  $36^{\circ} 30'$ , includes the States of Louisiana and Arkansas, and the territory lying west of the latter and south of  $36^{\circ} 30'$ , called the Indian country. A portion lying south of this, with the territory of Florida, now the State, makes in the whole 283,503 square miles. To this must be added the territory acquired with Texas. If the whole should be added to the Southern section, it would make an increase of 325,520, which would make the whole left to the South 609,023. But a large part of Texas is still in contest between the two sections, which leaves uncertain what will be the real extent of the portion of her territory that may be left to the South.

I have not included the territory recently acquired by the treaty with Mexico. The North is making the most strenuous efforts to appropriate the whole to herself, by excluding the South from every foot of it. If she should succeed, it will add to that from which Southern laws have already been excluded, 527,078 square miles, and would increase the whole the North has appropriated to herself, to 1,764,023, not including the portion which she may succeed in excluding us from in Texas. To sum up the whole, the United States, since they declared their independence, have acquired 2,373,046 square miles of territory, from which

the North will have excluded the South, if she should succeed in monopolizing the newly acquired Territories, about three-fourths of the whole, and leave the South but about one-fourth.

Such is the first and great cause that has destroyed the equilibrium between the two sections in the government.

The next is the system of revenue and disbursements which has been adopted by the government. It is well known that the main source from which the government has derived its revenue, is from duties on imports. I shall not undertake to show that all such duties must necessarily fall mainly on the exporting States, and that the South, as the great exporting portion of the Union, has in reality paid vastly more than her due proportion of the revenue, because I deem it unnecessary, as the subject has on so many occasions been fully discussed. Nor shall I, for the same reason, undertake to show that a far greater portion of the revenue has been disbursed at the North than its due share; and that the joint effect of these causes has been to transfer a vast amount from the South to the North, which, under an equal system of revenue and disbursement, would not have been lost to her. If to this be added, that many of the duties were imposed, not for revenue, but for protection, that is, intended to put money, not into the treasury, but directly into the pocket of the manufacturers, some conception may be formed of the immense amount which, in the long course of so many years, has been transferred from the South to the North. There is no data by which it can be estimated with any certainty; but, it is safe to say, that it amounts to hundreds of millions of dollars. Under the most moderate estimate, it would be sufficient to add greatly to the wealth of the North, and by that greatly increase her population, by attracting emigration from all quarters in that direction.

This, combined with the great and primary

cause, amply explains why the North has acquired a preponderance over every department of the government, by its disproportionate increase of population and States. The former, as has been shown, has increased, in fifty years, 2,400,000 over that of the South. This increase of population, during so long a period, is satisfactorily accounted for by the number of emigrants, and the increase of their descendants, which have been attracted to the northern section from Europe and the southern section, in consequence of the advantages derived from the causes assigned. If they had not existed—if the South had retained all the capital which has been extracted from her by the fiscal action of the government, and if they had not been excluded, by the ordinance of 1787 and the Missouri Compromise, from the region lying between the Ohio and the Mississippi, and between the Mississippi and the Rocky Mountains, north of 36° 30', it scarcely admits of a doubt that she would have divided the emigration with the North, and, by retaining her own people, would have at least equaled the North in population, under the census of 1840, and probably under that about to be taken. She would, also, if she had retained her equal rights in those Territories, have maintained an equality in the number of States with the North, and have preserved the equilibrium between the two sections that existed at the commencement of the government. The loss, then, of the equilibrium is to be attributed to the action of this government.

But while these measures were destroying the equilibrium between the two sections, the action of the government was leading to a radical change in its character, by concentrating all the power of the system in itself. The occasion will not permit me to trace the measures by which this great change has been consummated. If it did, it would not be difficult to show that the process commenced at an early period of the government; that it proceeded almost without

interruption, step by step, until it absorbed, virtually, its entire powers. Without, however, going through the whole process to establish the fact, it may be done satisfactorily by a very short statement.

That this government claims, and practically maintains the right to decide in the last resort, as to the extent of its powers, will scarcely be denied by any one conversant with the political history of the country, is equally certain. That it also claims the right to resort to force, to maintain whatever power she claims against all opposition. Indeed, it is apparent from what we daily hear, that this has become the prevailing and fixed opinion of a great majority of the community. Now, I ask, what limitation can possibly be placed upon the powers of a government, claiming and exercising such rights? And, if none can be, how can the separate government of the States maintain and protect the powers reserved to them by the Constitution, or the people of the several States maintain those which are reserved to them, and among them, their sovereign powers, by which they ordained and established, not only their separate State constitutions and governments, but also the Constitution and government of the United States? But if they have no constitutional means of maintaining them against the right claimed by this government, it necessarily follows that they hold them at its pleasure and discretion, and that all the powers of the system are, in reality, concentrated in it. It also follows, that the character of the government has been changed in consequence, from a Federal Republic, as it originally came from the hands of its framers, and that it has been changed into a great national consolidated democracy. It has, indeed, at present, all the characteristics of the latter, and not one of the former, although it still retains its outward form.

The result of the whole of these causes combined is, that the North has acquired a decided ascendancy over every department of this gov-

ernment, and, through it, a control over all the powers of the system. A single section, governed by the will of the numerical majority, has now, in fact, the control of the government, and the entire powers of the system. What was once a constitutional Federal Republic, is now converted, in reality, into one as absolute as that of the Autocrat of Russia, and as despotic in its tendency as any absolute government that ever existed.

As, then, the North has the absolute control over the government, it is manifest that, on all questions between it and the South, where there is a diversity of interests, the interest of the latter will be sacrificed to the former, however oppressive the effects may be, as the South possesses no means by which it can resist, through the action of the government. But if there were no questions of vital importance to the South, in reference to which there was a diversity of views between the two sections, this state of things might be endured, without the hazard of destruction by the South. But such is not the fact. There is a question of vital importance to the Southern section, in reference to which the views and feelings of the two sections are opposite and hostile as they can possibly be.

I refer to the relations between the two races in the Southern section, which constitutes a vital portion of her social organization. Every portion of the North entertains views and feelings more or less hostile to it. Those most opposed and hostile regard it as a sin, and consider themselves under the most sacred obligation to use every effort to destroy it. Indeed, to the extent that they conceive they have power, they regard themselves as implicated in the sin, and responsible for suppressing it, by the use of all and every means. Those less opposed and hostile regard it as a crime—an offence against humanity, as they call it, and, although not so fanatical, feel themselves bound to use all efforts to effect the same object. While those

who are least opposed and hostile, regard it as a blot and a stain on the character of what they call the Nation, and feel themselves accordingly bound to give it no countenance or support. On the contrary, the Southern section regards the relation as one which cannot be destroyed without subjecting the two races to the greatest calamity, and the section to poverty, desolation, and wretchedness, and accordingly feel bound, by every consideration of interest, safety and duty, to defend it.

This hostile feeling on the part of the North, toward the social organization of the South, long lay dormant; but it only required some cause, which would make the impression on those who felt most intensely that they were responsible for its continuance, to call it into action. The increasing power of this government, and of the control of the Northern section over all of it, furnished the cause. It was they made an impression on the minds of many, that there was little or no restraint to prevent the government to do whatever it might choose to do. This was sufficient of itself to put the most fanatical portion of the North in action, for the purpose of destroying the existing relation between the two races in the South.

The first organized movement toward it commenced in 1835. Then, for the first time, societies were organized, presses established, lecturers sent forth to excite the people of the North, and incendiary publications scattered over the whole South through the mail. The South was thoroughly aroused; meetings were held everywhere, and resolutions adopted, calling upon the North to apply a remedy to arrest the threatened evil, and pledging themselves to adopt measures for their own protection, if it was not arrested. At the meeting of Congress petitions poured in from the North, calling upon Congress to abolish slavery in the District of Columbia, and to prohibit what they called the internal slave trade between the States,

avowing, at the same time, that their ultimate object was to abolish slavery, not only in the District, but in the States and throughout the Union. At this period, the number engaged in the agitation was small, and it possessed little or no personal influence.

Neither party in Congress had, at that time, any sympathy for them or their cause; the members of each party presented their petitions with great reluctance. Nevertheless, as small and as contemptible as the party then was, both of the great parties of the North dreaded them. They felt that, though small, they were organized, in reference to a subject which had a great and a commanding influence over the Northern mind. Each party, on that account, feared to oppose their petitions, lest the opposite party should take advantage of the one who opposed by favoring them. The effect was, that both united in insisting that the petitions should be received, and Congress take jurisdiction of the subject for which they prayed; and, to justify their course, took the extraordinary ground that Congress was bound to receive petitions on every subject, however objectional it might be, and whether they had, or had not, jurisdiction over the subject. These views prevailed in the House of Representatives, and partially in the Senate, and thus the party succeeded, in their first movement, in gaining what they proposed—a position in Congress, from which the agitation could be extended over the whole Union. This was the commencement of the agitation which has ever since continued, and which, as it is now acknowledged, has endangered the Union itself.

As to myself, I believed, at that early period, that, if the party who got up the petitions should succeed in getting Congress to take jurisdiction, that agitation would follow, and that it would, in the end, if not arrested, destroy the Union. I then so expressed myself in debate, and called upon both parties to take grounds against taking jurisdiction, but in vain.

Had my voice been heard, and Congress refused taking jurisdiction by the united votes of all parties, the agitation which followed would have been prevented, and the fanatical movements accompanying the agitation, which have brought us to our present perilous condition, would have become extinct, for the want of something to feed the flame. That was the time for the North to show her devotion to the Union; but, unfortunately, both of the great parties of that section were so intent on obtaining or retaining party ascendancy, that all other considerations were overlooked or else forgotten.

What has since followed, are but natural consequences. With the success of their first movement, this small fanatical party began to acquire strength, and with that, to become an object of courtship of both of the great parties. The necessary consequence was, a farther increase of power, and a gradual tainting of the opinions of both of the other parties with their doctrines, until the infection has extended over both, and the great mass of the population of the North, who, whatever may be their opinion of the original abolition party, which still keeps up its distinctive organization, hardly ever fail, when it comes to acting, to co-operate in carrying out their measures. With the increase of their influence, they extend the sphere of their action. In a short period after they had commenced their first movement, they had acquired sufficient influence to induce the legislatures of most of the Northern States to pass acts, which, in effect, abrogated the provision of the Constitution that provides for the delivering up of fugitive slaves. Not long after, petitions followed to abolish slavery in forts, magazines, and dockyards, and all other places where Congress had exclusive power of legislation. This was followed by petitions, and resolutions of legislatures of the Northern States, and popular meetings, to exclude the Southern States from all Territories acquired, or to be acquired, and to

prevent the admission of any State hereafter into the Union, which, by its Constitution, does not prohibit slavery. And Congress is invoked to do all this, expressly with the view of the final abolition of slavery in the States. That has been avowed to be the ultimate object, from the beginning of the agitation until the present time, and yet the great body of both parties of the North, with the full knowledge of the fact, although disowning the abolitionists, have co-operated with them in almost all their measures.

Such is a brief history of the agitation, as far as it has yet advanced. Now, I ask, Senators, what is there to prevent its further progress, until it fulfils the ultimate end proposed, unless some decisive measure should be adopted to prevent it? Has any one of the causes, which has added to its increase from its original small and contemptible beginning, until it has attained its present magnitude, diminished in force? Is the original cause of the movement—that slavery is a sin, and ought to be suppressed—weaker now than at the commencement? or is the abolition party less numerous or influential? or have they less influence over elections? or less control over the two great parties of the North in elections? or has the South greater means of influencing or controlling the movements of this government now than it had when the agitation commenced? To all these questions but one answer can be given. No. No. No. The very reverse is true. Instead of weaker, all the elements in favor of agitation are stronger now than they were in 1835, when the agitation first commenced. While all the elements of influence on the part of the South are weakened, I again ask, what is to stop this agitation, unless something decisive is done, until the great and final object at which it aims—the abolition of slavery in the South—is consummated? Is it, then, not certain that, if something decisive is not now done to arrest it, the South will be forced to choose between abolition or secession? Indeed,

as events are now moving, it will not require the South to secede, to dissolve the Union; agitation will of itself effect it, of which its past history furnishes abundant proof, as I shall next proceed to show.

It is a great mistake to suppose that disunion can be effected by a single blow. The cords which bound these States together in one common Union, are far too numerous and powerful for that. Disunion must be the work of time. It is only through a long process, and in succession, that the cords can snap, until the whole fabric falls asunder. Already, the agitation of the slavery question has snapped some of the most important, and has greatly weakened all the others, as I shall proceed to show.

The cords that bind the States together are not only many, but various in character. Among them, some are spiritual or ecclesiastical; some political; others social; others appertain to the benefits conferred by the Union; and others to the feeling of duty and obligation.

The strongest of those of a spiritual and ecclesiastical nature, consisted in the unity of the great religious denominations, all of which originally embraced the Union. All these denominations, with the exception, perhaps, of the Catholics, were organized very much upon the principle of our political institutions. Beginning with smaller meetings, corresponding with the political divisions of the country, their organization terminated in one great central assemblage, corresponding very much with the character of Congress. At these meetings, the principal clergymen and lay members of the respective denominations from all parts of the Union met, to transact business relating to their common concerns. It was not confined to what appertained to the doctrines and disciplines of the respective denominations, but extended to plans for disseminating the Bible, establishing missionaries, distributing tracts, and of establishing presses for the publication of tracts, newspapers, and periodicals, with a view of

diffusing religious information, and for the support of the doctrines and creeds of the denomination. All this combined, contributed greatly to strengthen the bonds of the Union. The strong ties which held each denomination together, formed a strong cord to hold the whole Union together; but, as powerful as they were, they have not been able to resist the explosive effect of slavery agitation.

The first of these cords which snapped under its explosive force was that of the powerful Methodist Episcopal Church. The numerous and strong ties which held it together are all broken, and its unity gone. They now form separate churches, and, instead of that feeling of attachment and devotion to the interests of the whole church, which was formerly felt, they are now arrayed into two hostile bodies, engaged in litigation about what was formerly their common property.

The next cord that snapped was that of the Baptists, one of the largest and most respectable of the denominations; that of the Presbyterians is not entirely snapped, but some of its strands have given way; that of the Episcopal Church is the only one of the four great Protestant denominations which remains unbroken and entire. The strongest cord of a political character consists of the many and strong ties that have held together the two great parties, which have, with some modifications, existed from the beginning of the government. They both extended to every portion of the Union, and had strongly contributed to hold all its parts together. But this powerful cord has proved no better than the spiritual. It resisted for a long time the explosive tendency of the agitation, but has finally snapped under its force—if not entirely, nearly so. Nor is there one of the remaining cords which has not been greatly weakened. To this extent the Union has already been destroyed by agitation, in the only way it can be, by snapping asunder, and weakening the cords which bind it together.

If the agitation goes on, the same force acting with increased intensity, as has been shown, there will be nothing left to hold the States together, except force. But, surely, that can with no propriety of language be called a Union, when the only means by which the weaker is held connected with the stronger portion, is force. It may, indeed, keep them connected, but the connection will partake much more of the character of subjugation, on the part of the weaker to the stronger, than the union of free, independent, and sovereign States in one Federal Union, as they stood in the early stages of the government, and which only is worthy of the sacred name of union.

Having now, Senators, explained what it is that endangers the Union, and traced it to its cause, and explained its nature and character, the great question again recurs, How can the Union be saved? To this, I answer, there is but one way by which it can be, and that is, by adopting such measures as will satisfy the States belonging to the Southern section, that they can remain in the Union consistently with their honor, and their safety. There is, again, only one way by which that can be effected, and that is, by reviewing the causes by which this belief has been produced. Do that, and discontent will cease, harmony and kind feelings between the sections be restored, and every apprehension of danger to the Union removed. The question then is, By what means can this be done? But before I undertake to answer this question, I propose to show by what it cannot be done.

It cannot, then, be done by eulogies on the Union, however splendid or numerous. The cry of Union! Union! the glorious Union! can no more prevent disunion, than the cry of Health! health! glorious health! on the part of the physician, can save a patient lying dangerously ill. So long as the Union, instead of being regarded as a protector, is regarded in the opposite character by not much less than a majority

of the States, it will be in vain to attempt to concentrate them by pronouncing eulogies on it.

Besides, this cry of Union comes commonly from those whom we cannot believe to be sincere. It usually comes from our assailants; but we cannot believe them to be sincere, for if they loved the Union, they would necessarily be devoted to the Constitution. It made the Union, and to destroy the Constitution would be to destroy the Union. But the only reliable and certain evidence of devotion to the Constitution is, to abstain, on the one hand, from violating it, and to repel, on the other, all attempts to violate it. It is only by faithfully performing those high duties, that the Constitution can be preserved, and with it the Union.

But how, then, stands the profession of devotion to the Union by our assailants, when brought to this test? Have they abstained from violating the Constitution? Let the many acts passed by the Northern States, to set aside and annul the clause of the Constitution providing for the delivery of fugitive slaves, answer. I cite this not that it is the only instance (for there are many others), but because the violation, in this particular, is too notorious and palpable to be denied. Again, have they stood forth faithfully to repel violations of the Constitution? Let their course in reference to the agitation of the slavery question, which was commenced and has been carried on, for fifteen years, avowedly for the purpose of abolishing slavery in the States—an object all acknowledged to be unconstitutional—answer. Let them show a single instance, during this long period, in which they have denounced the agitators, or their many attempts to effect what is admitted to be unconstitutional, or a single measure which they have brought forward for that purpose. How can we, with all these facts before us, believe that they are sincere in their profession of devotion to the Union, or avoid believing that, by assuming the cloak of patriotism, their profession is but intended to increase

the vigor of their assaults, and to weaken the force of our resistance?

Nor can we regard the profession of devotion to the Union, on the part of those who are not our assailants, as sincere, when they pronounce eulogies upon the Union evidently with the intent of charging us with disunion, without uttering one word of denunciation against our assailants. If friends of the Union, their course should be to unite with us in repelling these assaults, and denouncing the authors as enemies of the Union. Why they avoid this and pursue the course they obviously do, it is for them to explain.

Nor can the Union be saved by invoking the name of the illustrious Southerner, whose mortal remains repose on the western bank of the Potomac. He was one of us—a slaveholder and a planter. We have studied his history, and find nothing in it to justify submission to wrong. On the contrary, his great fame rests on the solid foundation that, while he was careful to avoid doing wrong to others, he was prompt and decided in repelling wrong. I trust that, in this respect, we profited by his example.

Nor can we find anything in his history to deter us from seceding from the Union, should it fail to fulfil the objects for which it was instituted, by being permanently and hopelessly converted into the means of oppression instead of protection. On the contrary, we find much in his example to encourage us, should we be forced to the extremity of deciding between submission and disunion.

There existed then, as well as now, a Union—that between the parent country and her then colonies. It was a Union that had much to endear it to the people of the colonies. Under its protecting and superintending care, the colonies were planted, and grew up and prospered through a long course of years, until they became populous and wealthy. Its benefits were not limited to them. Their extensive agricultural and other productions gave birth to a



flourishing commerce, which richly rewarded the parent country for the trouble and expense of establishing and protecting them. Washington was born and nurtured, and grew up to manhood under that Union. He acquired his early distinction in its service; and there is every reason to believe he was devotedly attached to it. But his devotion was a rational one. He was attached to it, not as an end, but as a means to an end. When it failed to fulfil its end, and, instead of affording protection, was converted into the means of oppressing the colonies, he did not hesitate to draw his sword, and head the great movement by which that Union was forever severed, and the independence of these States established. This was the great and crowning glory of his life, which has spread his fame over the whole globe, and will transmit it to the latest posterity.

Nor can the plan proposed by the distinguished Senator from Kentucky, nor that of the administration, save the Union. I shall pass by, without remark, the plan proposed by the Senator, and proceed directly to the consideration of that of the administration. I, however, assure the distinguished and able Senator that, in taking this course, no disrespect whatever is intended to him or his plan. I have adopted it, because so many Senators of distinguished abilities, who were present when he delivered his speech and explanation of his plan, and who were fully capable to do justice to the side they support, have replied to him.

The plan of the administration cannot save the Union, because it can have no effect toward satisfying the States composing the Southern section of the Union, that they can consistently with safety and honor remain in the Union. It is, in fact, but a modification of the Wilmot proviso. It proposes to effect the same object—to exclude the South from all the territory acquired by the Mexican treaty. It is well known that the South is united against the Wilmot proviso, and has committed itself by solemn

resolutions to resist, should it be adopted. Its opposition is not to the name, but to that which it proposes to effect. That the Southern States hold it to be unconstitutional, unjust, inconsistent with their equality as members of the common Union, and calculated to destroy, irretrievably, the equilibrium between the two sections. These objections equally apply to what, for brevity, I will call the Executive proviso. There is no difference between it and the Wilmot, except in the mode of effecting the object; and in that respect, I must say, that the latter is much the least objectionable. It goes to its object openly, boldly, and directly. It claims for Congress unlimited power over the Territories, and proposes to assert it over the territories acquired from Mexico, by a positive prohibition of slavery. Not so the Executive proviso. It takes an indirect course, and, in order to elude the Wilmot proviso, and thereby avoid encountering the united and determined resistance of the South, it denies, by implication, the authority of Congress to legislate for the Territories, and claims the right as belonging exclusively to the inhabitants of the Territories. But to effect the object of excluding the South, it takes care, in the meantime, of letting in emigrants from the Northern States, and other quarters, except emigrants from the South, which it takes special care to exclude, by holding up to them the dread of having their slaves liberated under the Mexican laws. The necessary consequence is, to exclude the South from the Territory, just as effectually as would the Wilmot proviso. The only difference in this respect is, that what one proposes to effect, directly and openly, the other proposes to effect indirectly and covertly.

But the Executive proviso is more objectionable still than the Wilmot, in another and more important particular. The latter, to effect its object, inflicts a dangerous wound upon the Constitution, by depriving the Southern States, as joint partners and owners of the Territories,

of their rights in them; but it inflicts no greater wound than is absolutely necessary to effect its object. The former, on the contrary, while it inflicts the same wound, inflicts others equally great, and if possible greater, as I shall next proceed to explain.

In claiming the right for the inhabitants, instead of Congress, to legislate over the Territories, in the Executive proviso, it assumes that the sovereignty over the Territories is vested in the former; or, to express it in the language used in a resolution offered by one of the senators from Texas (Gen. Houston, now absent,) "They have the same inherent right of self-government as the people in the States." The assumption is utterly false, unconstitutional, without example, and contrary to the entire practice of the government, from its commencement to the present time, as I shall next proceed to show.

The recent movement of individuals in California, to form a constitution and a State government, and to appoint senators and representatives, is the first fruit of this monstrous assumption. If the individuals who have made this movement, had gone into California as adventurers; and, if as such, they had conquered the Territory, and established their independence, the sovereignty of the country would have been vested in them as a separate and independent community. In that case, they would have had the right to form a Constitution, and to establish a government for themselves; and if, after that they had thought proper to apply to Congress for admission into the Union as a sovereign and independent State, all this would have been regular, and according to established principles. But such is not the case. It was the United States who conquered California, and, finally, acquired it by treaty. The sovereignty, of course, is vested in them, and not in the individuals who have attempted to form a constitution as a State, without their consent. All this is clear beyond controversy, except it

can be shown that they have since lost or been divested of their sovereignty.

Nor is it less clear that the power of legislating over the Territory is vested in Congress, and not, as is assumed, in the inhabitants of the Territories. None can deny that the government of the United States has the power to acquire Territories, either by war, or by treaty; but if the power to acquire exists, it belongs to Congress to carry it into execution. On this point there can be no doubt, for the Constitution expressly provides that Congress shall have power "to make all laws which shall be necessary and proper to carry into execution the foregoing powers" (those vested in Congress), "and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof." It matters not, then, where the power is vested; for, if vested at all in the government of the United States, or any of its departments or officers, the power carrying it into execution is clearly vested in Congress. But this important proviso, while it gives to Congress the power of legislating over Territories, imposes important restrictions on its exercise, by restricting Congress to passing laws necessary and proper for carrying the power into execution. The prohibition extends, not only to all laws not suitable or appropriate to the object, but also to all that are unjust, unequal, or unfair, for all such laws would be unnecessary and improper, and, therefore, unconstitutional.

Having now established, beyond controversy, that the sovereignty over the Territories is vested in the United States—that is, in the several States composing the Union—and that the power of legislating over them is expressly vested in Congress, it follows that the individuals in California who have undertaken to form a constitution and a State, and to exercise the power of legislation, without the consent of Congress, have usurped the sovereignty of the States, and the authority of Congress, and have

acted in open defiance of both. In other words, what they have done is revolutionary and rebellious in its character, anarchical in its tendency, and calculated to lead to the most dangerous consequences. Had they acted from premeditation and design, it would have been, in fact, an actual rebellion, but such is not the case. The blame lies much less upon them, than upon those who have induced them to take a course so unconstitutional and dangerous. They have been led into it by language held here, and the course pursued by the executive branch of the government.

I have not seen the answer of the Executive to the calls made by the two houses of Congress, for information as to the course which it took, or the part which it acted, in reference to what was done in California. I understand the answers have not yet been printed. But there is enough known to justify the assertion, that those who profess to represent and act under the authority of the Executive, have advised, aided, and encouraged the movement which terminated in forming what they call a constitution and a State. General Riley, who professed to act as civil Governor, called the convention, determined on the number and distribution of the delegates, appointed the time and place of its meeting, was present during the session, and gave its proceedings his approbation and sanction. If he acted without authority, he ought to have been tried, or, at least, reprimanded and disarmed. Neither having been done, the presumption is that his course has been approved. This, of itself, is sufficient to identify the Executive with his acts, and to make it responsible for them. I touch not the question whether General Riley was appointed or received the instructions under which he professed to act, from the present Executive or its predecessor. If from the former, it would implicate the preceding as well as the present administration. If not, the responsibility rests exclusively on the present.

It is manifest, from this statement, that the Executive Department has undertaken to perform acts, preparatory to the meeting of the individuals, to form their so called constitution and State government, which appertain exclusively to Congress. Indeed, they are identical in many respects with the provisions adopted by Congress, when it gives permission to a Territory to form a constitution and government, in order to be admitted as a State into the Union.

Having now shown that the assumption upon which the Executive and the individuals in California acted, throughout this whole affair, is informal, unconstitutional, and dangerous, it remains to make a few remarks, in order to show that what has been done is contrary to the entire practice of government, from its commencement to the present time.

From its commencement until the time that Michigan was admitted, the practice was uniform. Territorial governments were first organized by Congress. The government of the United States appointed the governors, judges, secretaries, marshals, and other officers, and the inhabitants of the Territory were represented by legislative bodies, whose acts were subject to the revision of Congress. This state of things continued until the government of a Territory applied to Congress to permit its inhabitants to form a constitution and government, preparatory to admission into the Union. The preliminary act to giving permission was to ascertain whether the inhabitants were sufficiently numerous to authorize them to be formed into a State. This was done by taking a census. That being done, and the number proving sufficient, permission was granted. The act granting it fixed all the preliminaries—the time and place of holding the convention; the qualification of the voters; establishing its boundaries, and all other measures necessary to be settled previous to admission. The act giving permission necessarily withdraws the sovereignty

of the United States, and leaves the inhabitants of the incipient State as free to form their Constitution and government as were the original States of the Union, after they had declared their independence. At this stage, the inhabitants of the Territory became for the first time a people, in legal and constitutional language. Prior to this, they were, by the old acts of Congress, called inhabitants, and not people. All this is perfectly consistent with the sovereignty of the United States, with the powers of Congress, and with the right of a people to self-government.

Michigan was the first case in which there was any departure from the uniform rule of acting. Hers was a very slight departure from established usage. The ordinance of '87 secured to her the right of becoming a State, when she should have 60,000 inhabitants. Owing to some neglect, Congress delayed taking the census. In the meantime, her population increased until it clearly exceeded more than twice the number which entitled her to admission. At this stage, she formed a constitution and government, without the census being taken by the United States, and Congress received the admission without going through the formality of taking it, as there was no doubt she had more than a sufficient number to entitle her to admission. She was not admitted at the first session she applied, owing to some difficulty respecting the boundary between her and Ohio. The great irregularity, as to her admission, took place at the next session, but on a point which can have no possible connection with the case of California.

The irregularities in all other cases that have since occurred, are of a similar character. In all, there existed Territorial governments established by Congress, with officers appointed by the United States. In all, the Territorial government took the lead in calling conventions, and fixing preliminaries, preparatory to the formation of a constitution, and admission into

the Union. They all recognized the sovereignty of the United States, and the authority of Congress over the Territories; and, whenever there was any departure from established usage, it was done on the presumed consent of Congress, and not in defiance of its authority, or the sovereignty of the United States over the Territories. In this respect, California stands alone, without usage, or a single example to cover her case.

It belongs now, Senators, for you to decide what part you will act in reference to this unprecedented transaction. The Executive has laid the paper, purporting to be the Constitution of California, before you, and asks you to admit her into the Union as a State, and the question is, Will you, or will you not, admit her? It is a grave question, and there rests upon you a heavy responsibility. Much, very much, will depend upon your decision. If you admit her, you indorse and give your sanction to all that has been done. Are you prepared to do so? Are you prepared to surrender your power of legislation for the Territories—a power expressly vested in Congress by the Constitution, as has been fully established? Can you, consistent with your oath to support the Constitution, surrender it? Are you prepared to admit that the inhabitants of the Territories possess the sovereignty over them; and that any number, more or less, may claim any extent of territory they please; may form a constitution and government, and erect it into a State, without asking your permission? Are you prepared to surrender the sovereignty of the United States over whatever Territory may be hereafter acquired, to the first adventurers who may rush into it? Are you prepared to surrender virtually to the Executive Department all the powers which you have heretofore exercised over the Territories? If not, how can you, consistently with your duty, and your oath to support the Constitution, give your assent to the admission of California as a State, under a pretended

constitution and government? Can you believe that the project of a constitution which they have adopted has the least validity? Can you believe that there is such a State, in reality, as the State of California? No; there is no such State. It has no legal or constitutional existence. It has no validity, and can have none, without your sanction. How, then, can you admit it as a State, when, according to the provisions of the Constitution, your power is limited to admitting new States? That is, they must be States, existing States, independent of your sanction, before you can admit them. When you give your permission to the inhabitants of a Territory to form a constitution and a State, the constitution and State they form derive their authority from the people, and not from you. The State, before admitted, is actually a State, and does not become so by the act of admission, as would be the case with California, should you admit her, contrary to constitutional provisions, and established usage heretofore.

The Senators on the other side of the chamber must permit me to make a few remarks in this connection, particularly applicable to them. With the exception of a few Senators from the South, sitting on that side of the chamber, when the Oregon question was before this body, not two years since, you took, if I mistake not, universally, the ground that Congress had the sole and absolute power of legislating for the Territories. How, then, can you now, after the short interval which has elapsed, abandon the ground which you then took, and thereby virtually admit that the power of legislating, instead of being in Congress, is in the inhabitants of the Territories? How can you justify and sanction by your votes the acts of the Executive, which are in direct derogation to what you then contended for? But, to approach still nearer to the present time, how can you, after condemning, little more than a year since, the grounds taken by the party which you defeated at the last

election, wheel round and support by your votes the grounds which, as explained by the candidate of the party at the last election, are identical with those on which the Executive has acted in reference to California? What are we to understand by all this? Must we conclude that there is no sincerity, no faith, in the acts and declarations of public men, and that all is mere acting or hollow profession? Or, are we to conclude that the exclusion of the South from the Territories acquired from Mexico is an object of so paramount a character in your estimation, that right, justice, Constitution, and consistency must all yield, when they stand in the way of our exclusion?

But, it may be asked, what is to be done with California, should she not be admitted? I answer, remand her back to the territorial condition, as was done in the case of Tennessee, in the early stage of the government. Congress, in her case, had established a territorial government, in the usual form, with a governor, judges, and other officers appointed by the United States. She was entitled, under the deed of cession, to be admitted into the Union as a State, as soon as she had 60,000 inhabitants. The territorial government, believing it had that number, took a census by which it appeared it exceeded it. She then formed a constitution and a State, and applied for admission. Congress refused to admit her, on the grounds that the census should be taken by the United States, and that Congress had not determined whether the Territory should be formed into one or two States, as it was authorized to do, under the cession. She returned quietly to her territorial condition. An act was passed to take a census by the United States, and providing that the Territory should form one State. All afterward was regularly conducted, and the Territory admitted as a State in due form. The irregularities in the case of California are immeasurably greater, and afford a much stronger reason for pursuing the same course. But, it may be said,

California may not submit. That is not probable; but, if she should not, when she refuses, it will then be the time for us to decide what is to be done.

Having now shown what cannot save the Union, I return to the question with which I commenced—How can the Union be saved? There is but one way by which it can, with any certainty, be saved, and that is a full and final settlement, on the principles of justice, of all the questions at issue between the two sections. The South asks for justice, simple justice, and less she ought not to take. She has no compromise to offer but the Constitution, and no concessions or surrender to make. She has already surrendered so much that she has little left to surrender. Such a settlement would go to the root of the evil, remove all cause of discontent, and satisfy the South that she could remain honestly and safely in the Union, and thereby restore the harmony and fraternal feelings between the sections, which existed anterior to the Missouri agitation. Nothing else can, with any certainty, finally and forever settle the question at issue, terminate agitation, and save the Union.

But can this be done? Yes, easily; not by the weaker party, for it can of itself do nothing—not even protect itself—but by the stronger. The North has only to will it, to do justice, and perform her duty, in order to accomplish it—to do justice by conceding to the South an equal right in the acquired territory; and to do her duty by causing the stipulations relative to fugitive slaves to be faithfully fulfilled—to cease the agitation of the slave question, and provide for the insertion of a provision in the Constitution by an amendment, which will restore in substance the power she possessed of protecting herself before the equilibrium between the sections was destroyed by the action of this government. There will be no difficulty in devising such a provision—one that will protect the South, and which, at the same time, will

improve and strengthen the government, instead of impairing or weakening it.

But, will the North agree to this? It is for her to answer this question. But, I will say, she cannot refuse if she has half the love of the Union which she professes to have, or without justly exposing herself to the charge that her love of power and aggrandizement is far greater than her love of the Union. At all events, the responsibility of saving the Union is on the North, and not the South. The South cannot save it by any act of hers, and the North may save it without any sacrifice whatever, unless to do justice and to perform her duties under the Constitution, be regarded by her as a sacrifice.

It is time, Senators, that there should be an open and manly avowal on all sides as to what is intended to be done. If the question is not now settled, it is uncertain whether it ever can hereafter be, and we, as the representatives of the States of this Union, regarded as governments, should come to a distinct understanding as to our respective views, in order to ascertain whether the great questions at issue between the two sections can be settled or not. If you, who represent the stronger portion, cannot agree to settle them on the broad principle of justice and duty, say so, and let the States we represent agree to separate, and part in peace. If you are willing we should part in peace, tell us so, and we shall know what to do when you reduce the question to submission or resistance. If you remain silent, you then compel us to infer what you intend. In that case, California will become the test question. If you admit her under all the difficulties that oppose her admission, you compel us to infer that you intend to exclude us from the whole of the acquired Territories, with the intention of destroying irretrievably the equilibrium between the two sections. We would be blind not to perceive, in that case, that your real objects are power and aggrandizement; and infatuated, not to act accordingly.

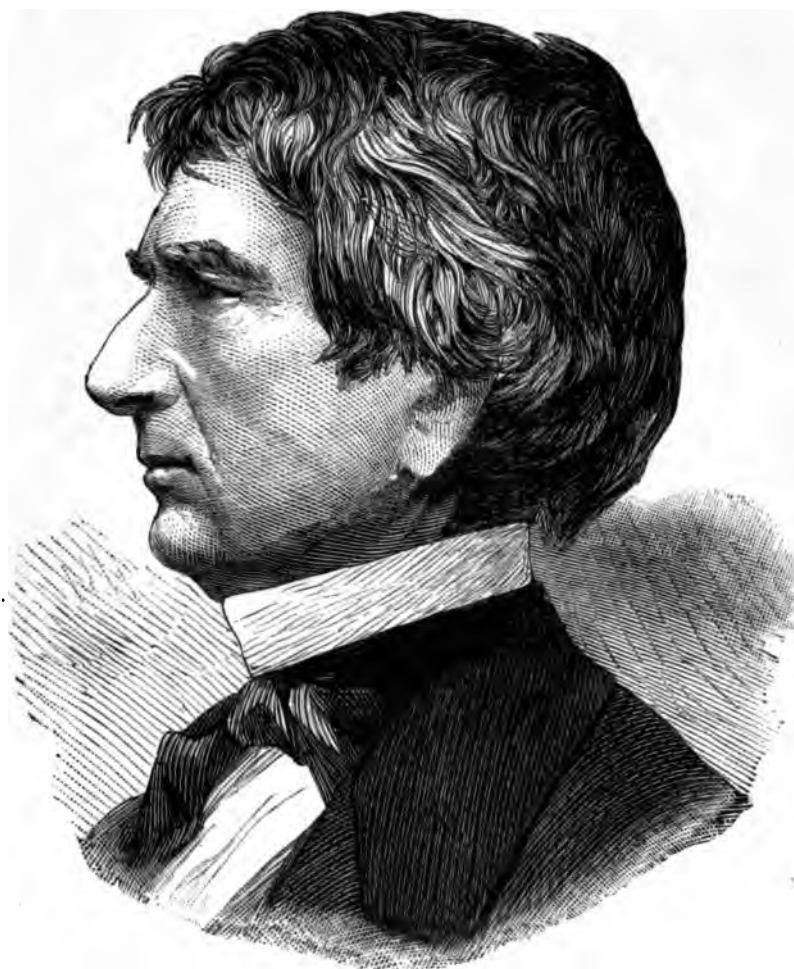
I have now, Senators, done my duty, in expressing my opinions fully, freely, and candidly, on this solemn occasion. In doing so, I have been governed by the motives which have governed me in all the stages of the agitation of the slavery question since its commencement, and exerted myself to arrest it, with the intention of saving the Union, if it could be done, and, if it

cannot, to save the section where it has pleased Providence to cast my lot, and which, I sincerely believe, has justice and the Constitution on its side. Having faithfully done my duty to the best of my ability, both to the Union and my section, throughout the whole of this agitation, I shall have the consolation, let what will come, that I am free from all responsibility.









WILLIAM H. SEWARD.

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## WILLIAM H. SEWARD.

**W**ILLIAM H. SEWARD was one of the ablest Senators that has ever represented New York in the council chambers of the nation, and one of the most enlightened and progressive statesmen that has ever labored in the cause of equal rights and justice.

He was born in Florida, Orange County, New York, May 16, 1801. His father was a skillful and energetic physician, and secured to his son the advantages of a liberal education. His preparatory work had been so thoroughly done that, when he applied for admission to the Union College, at Schenectady, though but fifteen years old, he was advanced one year in the college course. When he reached the senior year, he spent one year principally in the South, teaching school for six months, and becoming acquainted, as well as possible, with the customs and condition of that section. He took his place in the senior class of 1820, graduating with honor the same year. In 1822 he was admitted to the bar, and in the early part of the following year settled in the

village of Auburn, and entered upon the practice of his profession. Mr. Seward had been reared in the Democratic party, and had imbibed its principles and teachings. The attempt of a minority of the party representatives in Congress, to force Crawford and Galatin upon the party as candidates for President and Vice-President, in 1824, caused a large portion of the party, especially the younger men, in New York, to refuse submission to the dictation. Mr. Seward was among this number, and labored to the best of his ability to defeat the candidates. They were successful, and the election was thrown into the House, where J. Q. Adams was elected.

This defection proved to be permanent, and, after the campaign of 1828, he finally abandoned the party for good, not because the original principles of the party were wrong or impolitic, but because its machinery had been prostituted by designing party leaders, to the attainment of wrong ends by improper methods, none of which he could approve or support. He was an ardent

supporter of Mr. Adams' administration, and, though quite young, was prominent in his section of the State. In 1828 a convention of young men of the State was held at Utica, of which Mr. Seward was chosen president.

The party machinery of the State was so completely in the hands of a reigning ring, and the laws had been so arranged that the whole political system of the State was subordinate to them in such a manner that young men, independent enough to think and act for themselves, were virtually cut off from all chance for political preferment. The young men who attended the Utica convention numbered about four hundred. Many of them continued to fight the unjust system, and were entirely successful in overthrowing it.

In January, 1831, Mr. Seward took his seat as a member of the State Senate, and, though belonging to a small minority, was recognized as a man of ability and influence. He visited Europe in 1833, and in 1834 was an unsuccessful candidate for governor, William L. Marcy being elected by 12,000 majority. He was re-nominated in 1838, and elected over Governor Marcy by about 10,421 majority.

He occupied advanced ground on the slavery question; advocated liberal measures with regard to foreign immigrants; was pronounced in his views in favor of popular education, and wisely advocated internal improvements. He

was re-elected in 1840, and declined to be a candidate when his second term expired.

In 1842 he returned to Auburn, and resumed his law practice, which soon became very extensive. During the presidential campaigns of 1844 and 1848, he was in great demand as a campaign speaker, no one being more popular. The latter year he addressed many large gatherings in Pennsylvania and Ohio, as well as in his own State, in support of Taylor and Fillmore.

In 1849 he was chosen to succeed John A. Dix in the United States Senate, by a vote of 121 to 30. With his advent in the Senate, the friends of human liberty and justice in that body gained a staunch helper. He took his full share in the important and exciting discussions of the years that followed. He had strenuously opposed the election of Polk in 1844, because his election would be favorable to the annexation of Texas, which meant the "extension of our territory, for the mere purpose of extending the public domain of slavery, and adding new bulwarks to support that accursed institution." Throughout the contest that resulted over the repeal of the compromise of 1820, and the settlement of the question of slavery in the Territories, Mr. Seward was consistent and fearless in his opposition to the slave power. While respecting the rights, and considering the opinions of others, he demanded that a like con-

sideration and fairness be accorded to him as well.

He was the author of that phrase, "The irrepressible conflict," which afterward became so famous, and enunciated the doctrine of the "Higher Law," or the subordination of human legislation and law to the higher law of our being. Mr. Seward's writings and speeches are among the ablest to be found in all the literature of our country. In 1860 he was one of the most prominent candidates for the presidency, before the Republican National Convention, but failed of success.

In 1861 President Lincoln appointed him Secretary of State in his cabinet, in which position he served during the administration of Lincoln, and that of Johnson which followed. The task assigned to him was the most delicate and important that ever fell to any man in that position. The whole foreign service required to be reorganized. The

important positions were occupied by officials who were not in sympathy with the government, but rather favored the schemes of those who would disrupt the Union. Most foreign governments would have rejoiced at the failure of free popular government, and were ready to favor the cause of the confederacy. With consummate skill and ability, Mr. Seward managed the difficult business of his department, and secured from foreign courts that respect for his country's rights which they were loth to accord. On the night of the 14th of April, 1865, when President Lincoln was stricken down by the hand of the assassin, Mr. Seward was also attacked, and dangerously wounded, but recovered. He retired from office in 1869, made a trip around the world in 1871, of which he published an interesting and valuable account. His death occurred at Auburn, New York, on the 10th day of October, 1872.



### THE HIGHER LAW.

*Mr. Seward's Speech delivered in the United States Senate, March 11, 1850.*

MR. PRESIDENT: It is insisted that the admission of California shall be attended by a COMPROMISE of questions which have arisen out of SLAVERY! I AM OPPOSED TO ANY SUCH COMPROMISE IN ANY AND ALL THE FORMS IN WHICH IT HAS BEEN PROPOSED. Because, while admitting the purity, and the patriotism

of all from whom it is my misfortune to differ, I think all legislative compromises radically wrong, and essentially vicious. They involve the surrender of the exercise of judgment, and the conscience on distinct and separate questions, at distinct and separate times, with the indispensable advantages it affords for ascer-

taining the truth. They involve a relinquishment of the right to reconsider in future the decision of the present, on questions prematurely anticipated. And they are a usurpation as to future questions of the providence of future legislators.

Sir, it seems to me as if slavery had laid its paralyzing hand upon myself, and the blood were coursing less freely than its wont through my veins, when I endeavor to suppose that such a compromise has been effected, and my utterance forever is arrested upon all the great questions, social, moral, and political, arising out of a subject so important, and yet so incomprehensible. What am I to receive in this compromise? Freedom in California. It is well; it is a noble acquisition; it is worth a sacrifice. But what am I to give as an equivalent? A recognition of a claim to perpetuate slavery in the District of Columbia; forbearance toward more stringent laws concerning the arrest of persons suspected of being slaves found in the free States; forbearance from the proviso of freedom in the charter of new Territories. None of the plans of compromise offered demand less than two, and most of them insist on all, these conditions. The equivalent then is, some portion of liberty, some portion of human rights in one region, for liberty in another.

It is true, indeed, that the national domain is ours. It is true, it was acquired by the valor and the wealth of the whole nation. But we hold, *nevertheless*, no arbitrary power over it. We hold no arbitrary power over anything, whether acquired by law, or seized by usurpation. The Constitution regulates our stewardship; the Constitution devotes the domain to union, to justice, to welfare, and to liberty. *But there is a higher law than the Constitution, which regulates our authority over the domain, and devotes it to the same noble purpose.* The Territory is a part, no inconsiderable part, of the common heritage of mankind, bestowed

upon them by the Creator of the Universe. We are his stewards, and must so discharge our trust as to secure, in the highest attainable degree, their happiness. This is a State, and we are deliberating for it, just as our fathers deliberated in establishing the institutions we enjoy. Whatever superiority there is in our condition and hopes, over those of any other "Kingdom" or "estate," is due to the fortunate circumstance that our ancestors did not leave things to "take their chances," but that they "added amplitude and greatness" to our commonwealth "by introducing such ordinances, constitutions, and customs as were wise." We in our turn have succeeded to the same responsibilities, and we cannot approach the duty before us wisely or justly, except we raise ourselves to the great consideration of how we can most certainly "sow greatness to our posterity and successors."

And now the simple, bold, and awful question which presents itself to us is this: Shall we, who are founding institutions, social and political, for countless millions; shall we, who know by experience, the wise and just, and are free to choose them, and to reject the erroneous and unjust; shall we establish human bondage, or permit it by our sufferance to be established? Sir, our forefathers would not have hesitated an hour. They found slavery existing here, and they left it, only because they could not remove it. There is not only no free State which would now establish it, but there is no slave State which, if it had had the free alternative, as we now have, would have founded slavery. Indeed, our revolutionary predecessors had precisely the same question before them in establishing an organic law, under which the States of Ohio, Michigan, Illinois, Wisconsin, and Iowa have since come into the Union, and they solemnly repudiated and excluded slavery from those States forever.

The Union, the creation of the necessities physical, moral, social, and political, endures by virtue of the same necessities; and these

necessities are stronger than when it was produced, by the greater amplitude of territory now covered by it; stronger by the six-fold increase of the society living under its beneficent protection; stronger by the augmentation ten thousand times of the fields, the work-shops, the mines, and the ships of that society, of its productions of the sea, of the plow, of the loom, and of the anvil, in their constant circle of internal and international exchanges; stronger in the long rivers penetrating regions before unknown; stronger in all the artificial roads, canals, and other channels and avenues essential, not only to trade, but to defense; stronger in steam navigation, in steam locomotion on the land, and in telegraph communications unknown when the Constitution was adopted; stronger in the freedom and in the growing empire of the seas; stronger in the element of national honor in all lands, and stronger than all in the now settled habits of veneration and affection for institutions so stupendous and useful.

The Union then IS, not because merely that men choose that it shall be, but because some government must exist here, and no other government than this can. If it should be dashed to atoms by the whirlwind, the lightning, or the earthquake to-day, it would rise again in all its just and magnificent proportions to-morrow.

I have heard somewhat here, and almost for the first time in my life, of divided allegiance—of allegiance to the South and to the Union—of allegiance to States severally, and to the Union. Sir, if sympathies with State emulation and pride of achievement could be allowed to raise up another sovereign to divide the allegiance of a citizen of the United States, I might recognize the claims of the State to which by birth and gratitude I belong—to the State of Hamilton and Jay, of Schuyler, of the Clintons, and of Fulton—the State which, with less than two hundred miles of natural naviga-

tion connected with the ocean, has, by her own enterprise, secured to herself the commerce of the Continent, and is steadily advancing to the command of the commerce of the world. But for all this, I know only one country and one sovereign—the United States of America, and the American People.

And such as my allegiance is, is the loyalty of every other citizen of the United States.

As I speak he will speak when his time arrives; he knows no other country and no other sovereign; he has life, liberty, property, and precious affections and hopes for himself and for his posterity, treasured up in the ark of the Union; he knows as well, and feels, as strongly as I do, that this government is his own government; that he is a part of it; that it was established for him, and that it is maintained by him; that it is the only true, wise, just, free, and equal government that has ever existed; that no other government could be so wise, just, free, and equal; that it is safer and more beneficent than any which time or change could bring into its place.

You may tell me, sir, that, although this may be true, yet the trial of faction has not been made! If the trial of faction has not been made, it has not been because that faction has not always existed, and has not always menaced a trial, but because faction could find no fulcrum on which to place the lever to subvert the Union, as it can find no fulcrum now; and in this is my confidence. I would not rashly provoke the trial, but I will not suffer a fear which I have not, to make me compromise one sentiment, one principle of truth or justice, to avert a danger that all experience teaches me is purely chimerical. Let those, then, who distrust the Union make compromises to save it. I shall not impeach their wisdom, as I certainly cannot their patriotism; but, indulging no such apprehensions myself, I shall vote for the admission of California, directly, without conditions, without qualifi-

cation, and without compromise. For the vindication of that vote, I look not to the verdict of the passing hour, disturbed as the public mind now is, by conflicting interests and passions, but to that period, happily not far distant, when the vast regions over which we are now legislating shall have received their destined inhabitants.

While looking forward to that day, its countless generations seem to me to be rising up and passing in dim and shadowy review before us. And the voice comes forth from their serried ranks, saying, "Waste your treas-

ures, and your armies, if you will; raze your fortifications to the ground; sink your navies into the sea; transmit to us even a dishonored name, if you must; but the soil that you hold in trust for us, give it to us, Free! You found it free—a free and united people, and conquered it in order to extend a better and surer freedom over it. Whatever choice you have made for yourselves, let us have no partial freedom; let us all be free; let the reversion of our broad domain descend to us unencumbered and free from the calamities and the sorrows of human bondage."









CHARLES SUMNER

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## CHARLES SUMNER.

**C**HARLES SUMNER was born in Boston, January 6, 1811. He was educated in the Boston Public Latin School, and Harvard College, graduating from the latter institution in 1830, after a full four years' course of close application. The first year after graduating he devoted to the study of science, belles-lettres, history, and art. In 1831 he entered Harvard Law School, then under the charge of the learned Judge Story, and devoted himself diligently to the studies of that profession. While a student in this institution he contributed articles to the "American Jurist," of which he afterward became the editor. While here, by his application and interest in his work, he won Judge Story's high esteem and friendship. In 1834 he was admitted to the bar. Though his attainments were of the highest order, and were calculated to make him successful in the practice of his profession, he never acquired an extensive practice, choosing, rather, to devote himself to other departments of legal labor. He received the appointment of reporter to

Judge Story's circuit court, edited several volumes of Story's decisions, lectured before the law classes in the college (in case of Story's absence), and occupied the position of lecturer himself during the years 1835 to 1837, and again in 1843, and in 1836 edited "Dunlap's Admiralty Treatise."

The period from 1837 to 1840 was spent in Europe. He applied himself with his usual diligence to become acquainted with the manners and customs of the various nations visited, and their laws, history, and political condition. In 1840 he returned to America, and, having formed a partnership with J. C. Perkins, edited a large number of "Vesey's Reports."

The fourth of July, 1845, he delivered his famous address, or plea for peace, "The True Grandeur of Nations," and the same year opposed the admission of Texas, and subsequently opposed the war which followed, with equal vigor. In 1848, when the Whigs nominated a slaveholder, General Taylor, for the Presidency, Mr. Sumner supported Mr. Van Buren, the candidate of the Free

Soil party, and was the candidate of the same party for Congress, in opposition to R. C. Winthrop, who was elected.

In 1849, before the Supreme Court of Massachusetts, he argued that it was unconstitutional to maintain separate schools for black and white children. The decision was adverse, but Sumner's position was clearly defined and forcibly stated before the country. In 1851 he was elected to the United States Senate. Strange as it may appear, he owed his election to a union between the Democrats and Free Soilers; his opponent was R. C. Winthrop, who, in 1848, had been his successful competitor for a seat in the lower house of Congress. Once in the Senate, he retained the position until the day of his death. Placed there by the votes of Democrats, who knew his position on the slavery question, he put forth all his powers to destroy the evil that was exerting such a blighting influence over the destinies and happiness of a race. Though standing comparatively alone in the advanced position he occupied, amid surrounding enemies and dangers, he never faltered, seeming to know no fear. In 1852, during the discussion of the bill for the repeal of the fugitive slave law, he delivered his famous speech, known as "Freedom National; Slavery Sectional." In 1856, while writing at his desk in the Senate chamber, he was approached from behind by Preston S. Brooks, a member of the House from South Carolina, and

brutally beaten over the head with a heavy gutta-percha cane. The effects of this assault detained him from his seat in the Senate for four years, with the exception of a few months during the winter of 1857-8. During these four years he twice visited Europe, and procured the best medical attendance to be obtained. When he returned to his post on the floor of the Senate he found that the lines of conflict were well advanced, and the noble band of men who were contending for the right, was largely increased.

He was an earnest and unflinching supporter of the war for the Union, and urged the abolition of slavery by proclamation before that instrument was issued by the President. He took a prominent part in the work of reconstruction, endeavoring to make secure the work that had been accomplished by the war. He believed, and argued, that Congress had the right to confer citizenship upon the freedmen by its own act. In 1872, he supported Greeley for President, because he could not support the administration of President Grant. He was the author of the famous "Civil Rights Bill," and gave the closing days of his life to its advocacy in the Senate. Almost all the power of his mind was given to this measure, and almost his last words, addressed to his friend, Judge Hoar, were: "Take care of my Civil Rights Bill." His death occurred in Washington, March 10, 1874.

## FREEDOM NATIONAL; SLAVERY SECTIONAL

*Mr. Sumner's Speech on his motion to Repeal the Fugitive Slave Bill, delivered in the United States Senate, Aug. 26, 1852*

In the Senate, Wednesday, May 26, 1852, on the presentation of a memorial against the Fugitive Slave Bill, the following passage occurred:

MR. SUMNER. I hold in my hand, and desire to present, a memorial from the representatives of the Society of Friends in New England, formally adopted at a public meeting, and authenticated by their clerk, in which they ask for the repeal of the Fugitive Slave Bill. After setting forth their sentiments on the general subject of slavery, the memorialists proceed as follows:

"We, therefore, respectfully, but earnestly and sincerely, entreat you to repeal the law of the last Congress respecting fugitive slaves; first, and principally, because of its injustice toward a long sorely-oppressed and deeply-injured people; and, secondly, in order, that we, together with other conscientious sufferers, may be exempted from the penalties which it imposes on all who, in faithfulness to their Divine Master, and in discharge of their obligations to their distressed fellow-men, feel bound to regulate their conduct, even under the heaviest penalties which man can inflict for so doing, by the Divine injunction, 'All things whatsoever ye would that men should do to you, do ye even so to them;' and by the other commandment, 'Thou shalt love the Lord thy God with all thy heart, and thy neighbor as thyself.'"

Mr. President, this memorial is commended by the character of the religious association from which it proceeds—men who mingle rarely in public affairs, but with austere virtue seek to carry the Christian rule into life.

THE PRESIDENT. The Chair will have to interpose. The Senator is not privileged to enter into a discussion of the subject now. The contents of the memorial, simply, are to be stated, and then it becomes a question whether it is to be received, if any objection is made to its reception. Silence gives consent. After it is received he can make a motion with regard to its reference, and then make any remarks he thinks proper.

MR. SUMNER. I have but a very few words to add, and then I propose to move the reference of the memorial to the Committee on Judiciary.

THE PRESIDENT. The memorial has first to be received before any motion as to its reference can be entertained. The Senator presenting a memorial, states distinctly its object and contents; then it is sent to the Chair, if a reference of it is desired. But it is not in order to enter into a discussion of the merits of the memorial until it has been received.

MR. SUMNER. I do not propose to enter into any such discussion. I have already read one part of the memorial, and it was my design merely to refer to the character of the memorialists—a usage which I have observed on this floor constantly—to state the course I should pursue, and then conclude with a motion for a reference.

THE PRESIDENT. The Chair will hear the Senator, if such is the pleasure of the Senate, if he does not go into an elaborate discussion.

MR. SUMNER. I have no such purpose.

MR. DAWSON. Let him be heard.

Several SENATORS. Certainly.

MR. SUMNER. I observed that this memorial was commended by the character of the religious association from which it proceeds. It is commended, also, by its earnest and persuasive tone, and by the prayer which it presents. Offering it now, sir, I desire simply to say, that I shall deem it my duty, on some proper occasion hereafter, to express myself at length on the matter to which it relates. Thus far, during this session, I have forbore. With the exception of an able speech from my colleague [Mr. Davis,] the discussion of this all-absorbing question has been mainly left with Senators from another quarter of the country, by whose mutual differences it has been complicated, and between whom I have

not cared to interfere. But, there is a time for all things. Justice, also, requires that both sides should be heard; and I trust not to expect too much, when, at some fit moment, I bespeak the clear and candid attention of the Senate, while I undertake to set forth, frankly and fully, and with entire respect for this body, convictions, deeply cherished in my own State, though disregarded here—to which I am bound by every sentiment of the heart, by every fibre of my being, by all my devotion to country, by my love of God and man. But, upon these I do not now enter. Suffice it, for the present, to say that, when I shall undertake that service, I believe I shall utter nothing which, in any just sense, can be called *sectional*, unless the Constitution is *sectional*, and unless the sentiments of the fathers were *sectional*. It is my happiness to believe, and my hope to be able to show that, according to the true spirit of the Constitution, and according to the sentiments of the fathers, *FREEDOM*, and not *slavery*, is *NATIONAL*; while *SLAVERY*, and not *freedom*, is *SECTIONAL*. In duty to the petitioners, and with the hope of promoting their prayer, I move the reference of their petition to the Committee on the Judiciary.

A brief debate ensued, in which Messrs. Mangum, Badger, Hale, Clemens, Dawson, Adams, Butler, and Chase, took part; and, on motion of MR. BADGER, the memorial was laid on the table.

On Thursday, July 27th, the subject was again presented to the Senate:

MR. SUMNER. Mr. President, I have a resolution which I desire to offer; and I wish, also, to give notice that I shall expect to call it up to-morrow, at an early time in the morning hour, when I shall throw myself upon the indulgence of the Senate to be heard upon it.

The resolution was then read, as follows:

*Resolved*, That the Committee on the Judiciary be requested to consider the expediency of reporting a bill for the immediate repeal of the act of Congress, approved September 18, 1850, usually known as the Fugitive Slave Act.

In pursuance of this notice, on the next day, during the morning hour, an attempt was made to call it up.

MR. SUMNER. Mr. President, I now ask permission of the Senate to take up the resolution which I offered yesterday. For that purpose, I move that the prior orders be postponed, and upon this motion I desire to say a word. In asking the Senate to take up this resolution for consideration, I say nothing of its merits, nor of the arguments by which it may be maintained; nor do I at this stage anticipate any objections to it on these grounds. All this will properly belong to the discussion of the resolution itself—the main question—when it is actually before the Senate. The single question now is, not the resolution, but whether I shall be heard upon it. As a Senator, under the responsibilities of my position, I have deemed it my duty to offer this resolution. I may seem to have postponed this duty to an inconvenient period of the session; but, had I attempted it at an earlier day, I might have exposed myself to a charge of a different character. It might then have been said that, a new-comer and inexperienced in this scene, without deliberation, hastily, rashly, recklessly, I pushed this question before the country. This is not the case now. I have taken time, and in the exercise of my most careful discretion, now ask for it the attention of the Senate. I shrink from any appeal founded on a trivial, personal consideration; but should I be blamed for any delay latterly, I may add that, though in my seat daily, my bodily health for some time past, down to this very week, has not been equal to the service I have undertaken. I am not sure that it is

now; but I desire to try. And now again, I say, the question is simply whether I shall be heard. In allowing me this privilege—this right, I might say—you do not commit yourselves in any way to the principle of the resolution; but you merely follow the ordinary usage of the Senate, and yield to a brother Senator the opportunity which he craves, in the practical discharge of his duty, to express convictions dear to his heart, and dear to large numbers of his constituents. For the sake of these constituents, for my own sake, I now desire to be heard. Make such disposition of my resolution afterward as to you shall seem best; visit upon me any degree of criticism, censure, or displeasure, but do not deprive me of a hearing. "Strike, but hear."

A debate ensued, in which Messrs. Mason, Brooke, Charlton, Shields, Gwin, Douglas, Butler, and Borland, took part. Objections to taking up the resolution were pressed on the ground of "want of time," "the lateness of the session," and "danger to the Union."

The question being then taken upon the motion by MR. SUMNER, to take up his resolution, it was rejected—yeas 10, nays 32—as follows:

YEAS—Messrs. Clarke, Davis, Dodge of Wisconsin, Foot, Hamlin, Seward, Shields, Sumner, Upham, and Wade—10.

NAYS—Messrs. Borland, Brodhead, Brooke, Cass, Charlton, Clemens, Desaussure, Dodge of Iowa, Douglas, Downs, Felch, Fish, Geyer, Gwin, Hunter, King, Mallory, Mangum, Mason, Meriwether, Miller, Morton, Norris, Pearce, Pratt, Rusk, Sebastian, Smith, Soule, Spruance, Toucey, and Weller—32.

THURSDAY, AUGUST 26, 1852.

The Civil and Diplomatic Appropriation Bill being under consideration, the following amendment was moved by the Committee on Finance:

"That where the ministerial officers of the United States have or shall incur extraordinary expenses in executing the laws thereof, the payment of which is not specifically provided for, the President of the United States is authorized to allow the payment thereof, under the special taxation of the district or circuit court of the district in which the said services have been, or shall be rendered, to be paid from the appropriation for defraying the expenses of the Judiciary.

MR. SUMNER moved the following amendment to the amendment:

"*Provided*, That no such allowance shall be authorized for any expenses incurred in executing the act of September 18, 1850, for the surrender of fugitives from service or labor; which said act is hereby repealed."

On this he took the floor, and spoke as follows:

MR. PRESIDENT: Here is a provision for extraordinary expenses incurred in executing the laws of the United States. Extraordinary expenses! Sir, beneath these specious words lurks the very subject on which, by a solemn vote of this body, I was refused a hearing. Here it is, no longer open to the charge of being an "abstraction," but actually presented for practical legislation; not introduced by me, but by one of the important committees of the Senate; not brought forward weeks ago, when there was ample time for discussion, but only at this moment, without any reference to the late period of the session. The amendment

which I now offer proposes to remove one chief occasion of these extraordinary expenses. And now, at last, among these final crowded days of our duties here, but at this earliest opportunity, I am to be heard; not as a favor, but as a right. The graceful usages of this body may be abandoned, but the established privileges of debate cannot be abridged. Parliamentary courtesy may be forgotten, but Parliamentary law must prevail. The subject is broadly before the Senate. By the blessing of God, it shall be discussed.

Sir, a severe lawgiver of early Greece vainly sought to secure permanence for his imperfect institutions, by providing that the citizen who, at any time, attempted an alteration or repeal of any part thereof, should appear in the public assembly with a halter about his neck, ready to be drawn if his proposition failed to be adopted. A tyrannical spirit among us, in unconscious imitation of this antique and discarded barbarism, seeks to surround an offensive institution with a similar safeguard. In the existing distemper of the public mind, and at this present juncture, no man can enter upon the service which I now undertake, without a personal responsibility such as can be sustained only by that sense of duty which, under God, is always our best support. That personal responsibility I accept. Before the Senate and the country, let me be held accountable for this act, and for every word which I utter.

With me, sir, there is no alternative. Painfully convinced of the unutterable wrongs and woes of slavery; profoundly believing that, according to the true spirit of the Constitution and the sentiments of the fathers, it can find no place under our *National* Government—that it is in every respect *sectional*, and in no respect *national*—that it is always and everywhere the creature and dependent of the *States*, and never anywhere the creature or dependent of the *nation*, and that the *nation* can never, by legislative or other act, impart to it any support, under the Constitution of the United States;

with these convictions, I could not allow this session to reach its close, without making or seizing an opportunity to declare myself openly against the usurpation, injustice, and cruelty of the late enactment by Congress for the recovery of fugitive slaves. Full well I know, sir, the difficulties of this discussion, arising from prejudices of opinion and from adverse conclusions, strong and sincere as my own. Full well I know that I am in a small minority, with few here to whom I may look for sympathy or support. Full well I know that I must utter things unwelcome to many in this body, which I cannot do without pain. Full well I know that the institution of slavery in our country, which I now proceed to consider, is as sensitive as it is powerful—possessing a power to shake the whole land with a sensitiveness that shrieks and trembles at the touch. But, while these things may properly prompt me to caution and reserve, they cannot change my duty, or my determination to perform it. For this I willingly forget myself, and all personal consequences. The favor and good will of my fellow-citizens, of my brethren of the Senate, sir—grateful to me as it justly is—I am ready, if required, to sacrifice. All that I am, or may be, I freely offer to this cause.

And here allow me, for one moment, to refer to myself and my position. Sir, I have never been a politician. The slave of principles, I call no party master. By sentiment, education, and conviction, a friend of human rights, in their utmost expansion, I have ever most sincerely embraced the democratic idea, not, indeed, as represented or professed by any party, but according to its real significance, as transfigured in the Declaration of Independence, and in the injunctions of Christianity. In this idea I saw no narrow advantages merely for individuals or classes, but the sovereignty of the people, and the greatest happiness of all secured by equal laws. Amidst the vicissitudes of public affairs, I trust always to hold fast to this idea, and

to any political party which truly and earnestly embraces it.

Party does not constrain me; nor is my independence lessened by any relations to the office which gives me a title to be heard on this floor. And here, sir, I may speak proudly. By no effort, by no desire of my own, I find myself a Senator of the United States. Never before have I held public office of any kind. With the ample opportunities of private life, I was content. No tombstone for me could bear a fairer inscription than this: "Here lies one who, without the honors or emoluments of public station, did something for his fellow man." From such simple aspirations I was taken away by the free choice of my native commonwealth, and placed in this responsible post of duty, without personal obligation of any kind, beyond what was implied in my life and published words. The earnest friends, by whose confidence I was first designated, asked nothing from me, and, throughout the long conflict which ended in my election, rejoiced in the position which I most carefully guarded. To all my language was uniform, that I did not desire to be brought forward; that I would do nothing to promote the result; that I had no pledges or promises to offer; that the office should seek me, and not I the office; and that it should find me in all respects an independent man, bound to no party and to no human being, but only, according to my best judgment, to act for the good of all. Again, sir, I speak with pride, both for myself and others, when I add that these avowals found a sympathizing response. In this spirit I have come here, and in this spirit I shall speak to-day.

Rejoicing in my independence, and claiming nothing from party ties, I throw myself upon the candor and magnanimity of the Senate. I now ask your attention; but I trust not to abuse it. I may speak strongly; for I shall speak openly, and from the strength of my convictions. I may speak warmly; for I shall

speak from the heart. But in no event can I forget the amenities which belong to debate, and which especially become this body. Slavery I must condemn with my whole soul; but here I need only borrow the language of slaveholders themselves; nor would it accord with my habits or my sense of justice to exhibit them as the impersonation of the institution—Jefferson calls it the “enormity”—which they cherish. Of them I do not speak; but without fear and without favor, as without impeachment of any person, I assail this wrong. Again, sir, I may err; but it will be with the fathers. I plant myself on the ancient ways of the Republic, with its grandest names, its surest landmarks, and all its original altar-fires about me.

And now, on the very threshold, I encounter the objection that there is a final settlement, in principle and substance, of the question of slavery, and that all discussion of it is closed. Both the old political parties of the country, by formal resolutions, have united in this declaration. On a subject which for years has agitated the public mind; which yet palpitates in every heart, and burns on every tongue; which, in its immeasurable importance, dwarfs all other subjects; which, by its constant and gigantic presence, throws a shadow across these halls; which, at this very time, calls for appropriations to meet extraordinary expenses it has caused, they have imposed the rule of silence. According to them, sir, we may speak of everything except that alone, which is most present in all our minds.

To this combined effort I might fitly reply, that, with flagrant inconsistency, it challenges the very discussion which it pretends to forbid. Such a declaration on the eve of an election, is, of course, submitted to the consideration and ratification of the people. Debate, inquiry, discussion, are the necessary consequence. Silence becomes impossible. Slavery, which you profess to banish from the public attention, openly by your invitation enters every political

meeting, and every political convention. Nay, at this moment it stalks into this Senate, crying, like the daughters of the horse-leech, “Give! give!”

But no unanimity of politicians can uphold the baseless assumption, that a law, or any conglomerate of laws, under the name of Compromise, or howsoever called, is final. Nothing can be plainer than this: That, by no Parliamentary device or knot, can any legislature tie the hands of a succeeding legislature, so as to prevent the full exercise of its constitutional powers. Each legislature, under a just sense of its responsibility, must judge for itself; and, if it think proper, it may revise or amend, or absolutely undo the work of its predecessors. The laws of the Medes and Persians are proverbially said to have been unalterable; but they stand forth in history as a single example of such irrational defiance of the true principles of all law.

To make a law final, so as not to be reached by Congress, is, by mere legislation, to fasten a new provision on the Constitution. Nay, more; it gives to the law a character which the very Constitution does not possess. The wise fathers did not treat the country as a Chinese foot, never to grow after infancy; but, anticipating progress, they declared expressly that their great act is not final. According to the Constitution itself, there is not one of its existing provisions—not even that with regard to fugitives from labor—which may not at all times be reached by amendment, and thus be drawn into debate. This is rational and just. Sir, nothing from man’s hands, nor law, nor Constitution, can be final. Truth alone is final.

Inconsistent and absurd, this effort is tyrannical also. The responsibility for the recent slave act, and for slavery everywhere within the jurisdiction of Congress, necessarily involves the right to discuss them. To separate these is impossible. Like the twenty-fifth rule of the House of Representatives against petitions on

slavery—now repealed and dishonored—the compromise, as explained and urged, is a curtailment of the actual powers of legislation, and a perpetual denial of the indisputable principle that the right to deliberate is co-extensive with the responsibility for an act. To sustain slavery, it is now proposed to trample on *free speech*. In any country this would be grievous; but here, where the Constitution expressly provides against abridging freedom of speech, it is a special outrage. In vain do we condemn the despotism of Europe, while we borrow the rigors with which they repress liberty, and guard their own uncertain power. For myself, in no factious spirit, but solemnly and in loyalty to the Constitution, as a Senator of Massachusetts, I protest against this wrong. On slavery, as on every other subject, I claim the right to be heard. That right I cannot, I will not, abandon. "Give me the liberty to know, to utter, and to argue freely, above all liberties." These are the glowing words which flashed from the soul of John Milton, in his struggles with English tyranny. With equal fervor they should be echoed now by every American, not already a slave.

But, sir, this effort is impotent as tyrannical. The convictions of the heart cannot be repressed. The utterances of conscience must be heard. They break forth with irrepressible might. As well attempt to check the tides of ocean, the currents of the Mississippi, or the rushing waters of Niagara. The discussion of slavery will proceed, wherever two or three are gathered together—by the fireside, on the highway, at the public meeting, in the church. The movement against slavery is from the Everlasting Arm. Even now it is gathering its forces, soon to be confessed everywhere. It may not yet be felt in high places of office and power; but all who can put their ears humbly to the ground, will hear and comprehend its incessant and advancing tread.

The relations of the government of the

United States—I speak of the national government—to slavery, though plain and obvious, are constantly misunderstood. A popular belief at this moment makes slavery a national institution, and, of course, renders its support a national duty. The extravagance of this error can hardly be surpassed. An institution which our fathers most carefully omitted to name in the Constitution, which, according to the debates in the convention, they refused to cover with any "sanction," and which, at the original organization of the government was merely *sectional*, existing nowhere on the *national* territory, is now above all other things blazoned as national. Its supporters plume themselves as national. The old political parties, while upholding it, claim to be national. A National Whig is simply a Slavery Whig, and a National Democrat is simply a Slavery Democrat, in contradistinction to all who regard slavery as a sectional institution, within the exclusive control of the States, and with which the nation has nothing to do.

As slavery assumes to be national, so, by an equally strange perversion, freedom is degraded to be sectional, and all who uphold it, under the national Constitution, share this same epithet. The honest efforts to secure its blessings, everywhere within the jurisdiction of Congress, are scouted as sectional; and this cause, which the founders of our national government had so much at heart, is called *sectionalism*. These terms, now belonging to the commonplaces of political speech, are adopted and misapplied by most persons without reflection. But herein is the power of slavery. According to a curious tradition of the French language, Louis XIV., the grand monarch, by an accidental error of speech, among supple courtiers, changed the gender of a noun; but slavery has done more than this. It has changed word for word. It has taught many to say *national* instead of *sectional*, and *sectional* instead of *national*.

Slavery national! Sir, this is all a mistake



and absurdity, fit to take a place in some new collection of Vulgar Errors, by some other Sir Thomas Browne, with the ancient but exploded stories, that the toad has a stone in its head, and that ostriches digest iron. According to the true spirit of the Constitution, and the sentiments of the fathers, *Slavery* and not *Freedom* is *sectional*, while *Freedom* and not *Slavery* is *national*. On this unanswerable proposition I take my stand. And here commences my argument.

The subject presents itself under *two* principal heads: FIRST, *the true relations of the National Government to Slavery*, wherein it will appear that there is no national fountain out of which slavery can be derived, and no national power, under the Constitution, by which it can be supported. Enlightened by this general survey, we shall be prepared to consider, SECOND, *the true nature of the provision for the rendition of fugitives from labor*, and herein especially, the unconstitutional and offensive legislation of Congress in pursuance thereof.

I. And now for the TRUE RELATIONS OF THE NATIONAL GOVERNMENT TO SLAVERY. These will be readily apparent, if we do not neglect well-established principles.

If slavery be national, if there be any power in the national government to uphold this institution—as in the recent slave act—it must be by virtue of the Constitution. Nor can it be by mere inference, implication, or conjecture. According to the uniform admission of courts and jurists in Europe, again and again promulgated in our country, slavery can be derived only from clear and special recognition. “The state of slavery,” said Lord Mansfield, pronouncing judgment in the great case of *Somerset*, “is of such a nature that it is incapable of being introduced on any reasons moral or political, *but only by positive law*. It is so odious that *nothing can be suffered to support it but POSITIVE LAW*.”—(Howell’s State Trials., vol. 20, p. 82.)

And a slaveholding tribunal, the Supreme

Court of Mississippi, adopting the same principle, has said:

“Slavery is condemned by reason and the laws of nature. It exists and can exist *only* through municipal regulations.”—(*Harry vs. Decker*, Walker R., 42.)

And another slaveholding tribunal, the Supreme Court of Kentucky, has said:

“We view this as a right existing by *positive law* of a municipal character, without foundation in the law of nature or the unwritten and common law.”—(*Rankin vs. Lydia*, 2 Marshall 470.)

Of course every power to uphold slavery must have an origin as distinct as that of slavery itself. Every presumption must be as strong against such a power as against slavery. A power so peculiar and offensive, so hostile, to reason, so repugnant to the law of nature and the inborn rights of man; which despoils its victims of the fruits of their labor; which substitutes concubinage for marriage; which abrogates the relation of parent and child; which, by a denial of education, abases the intellect, prevents a true knowledge of God, and murders the very soul; which, amidst a plausible physical comfort, degrades man, created in the divine image, to the level of a beast;—such a power, so eminent, so transcendent, so tyrannical, so unjust, can find no place in any system of government, unless by virtue of *positive sanction*. It can spring from no doubtful phrases. It must be declared by unambiguous words, incapable of a double sense.

Slavery, I now repeat, is not mentioned in the Constitution. The name slave does not pollute this charter of our liberties. No “positive” language gives to Congress any *power* to make a slave, or to hunt a slave. To find even any seeming sanction for either, we must travel, with doubtful footsteps, beyond its express letter, into the region of interpretation. But here are rules which cannot be disobeyed. With electric might for freedom, they send a pervasive influence through every provision,

clause, and word of the Constitution. Each and all make slavery impossible as a national institution. They efface from the Constitution every fountain out of which it can be derived.

*First* and foremost is the *preamble*. This discloses the prevailing objects and principles of the Constitution. This is the vestibule through which all must pass, who would enter the sacred temple. Here are the inscriptions by which they are earliest impressed. Here they first catch the genius of the place. Here the proclamation of liberty is first heard. "We, the People of the United States," says the preamble, "in order to form a more perfect Union, *establish justice*, insure domestic tranquillity, provide for the common defence, *promote the general welfare*, and *secure the blessings of liberty* to ourselves and our posterity, do ordain and establish this Constitution for the United States of America." Thus, according to undeniable words, the Constitution was ordained, not to establish, secure, or sanction slavery—not to promote the special interests of slaveholders—not to make slavery national, in any way, form, or manner; but to "establish justice," "promote the general welfare," and "secure the blessings of liberty." Here, surely, liberty is national.

*Second*. Next in importance to the preamble are the explicit *contemporaneous declarations* in the convention which framed the Constitution, and elsewhere, expressed in different forms of language, but all tending to the same conclusion. By the preamble, the Constitution speaks for freedom. By these declarations, the fathers speak as the Constitution speaks. Early in the convention, Governor Morris, of Pennsylvania, broke forth in the language of an Abolitionist: "*He never would concur in upholding domestic slavery*. It was a nefarious institution. It was the curse of Heaven on the State where it prevailed." Oliver Ellsworth, of Connecticut, said: "The morality or wisdom of slavery are considerations belonging to

the States themselves." According to him, slavery was sectional.

At a later day, a discussion ensued on the clause touching the African slave trade, which reveals the definitive purposes of the convention. From the report of Mr. Madison we learn what was said. Elbridge Gerry, of Massachusetts, "thought we had nothing to do with the conduct of the States as to slavery, *but we ought to be careful not to give any sanction to it*." According to these words, he regarded slavery as sectional, and would not make it national. Roger M. Sherman, of Connecticut, "was opposed to any tax on slaves imported, as making the matter worse, *because it implied they were property*." He would not have slavery national. After debate, the subject was committed to a committee of eleven, who subsequently reported a substitute, authorizing "a tax on such migration or importation, at a rate *not exceeding the average of duties laid on imports*." This language, classifying *persons* with merchandise, seemed to imply a recognition that they were *property*. Mr. Sherman at once declared himself "against this part, *as acknowledging men to be property*, by taxing them as such, under the character of slaves." Mr. Gorham "thought Mr. Sherman should consider the duty *not as implying that slaves are property*, but as a discouragement to the importation of them." Mr. Madison, in mild, juridical phrase, "*thought it wrong to admit in the Constitution the idea that there could be property in man*." After discussion, it was finally agreed to make the clause read:

"But a tax or duty may be imposed on such importation, not exceeding ten dollars *for each person*."

The difficulty seemed then to be removed, and the whole clause was adopted. This record demonstrates that the word "persons" was employed in order to show that slaves, everywhere under the Constitution, were always to be regarded as *persons*, and not as *property*, and thus

to exclude from the Constitution all idea that there can be property in man. Remember well, that Mr. Sherman was opposed to the clause in its original form, "as acknowledging men to be *property*;" that Mr. Madison was also opposed to it, because he "thought it *wrong* to admit in the Constitution the idea that there could be property in man;" and that, after these objections, the clause was so amended as to exclude the idea. But slavery cannot be national, unless this idea is distinctly and unequivocally admitted into the Constitution.

Nor is this all. In the Massachusetts Convention, to which the Constitution, when completed, was submitted for ratification, a veteran of the Revolution, General Heath, openly declared that, according to his view, slavery was sectional, and not national. His language was pointed. "I apprehend," he says, "that it is not in our power *to do anything for or against those who are in slavery in the Southern States*. No gentleman within these walls detests every idea of slavery more than I do; it is generally detested by the people of this commonwealth; and I ardently hope the time will soon come, when our brethren in the Southern States will view it as we do, and put a stop to it; but to this, we have no right to compel them. Two questions naturally arise: *If we ratify the Constitution, shall we do anything by our act to hold the blacks in slavery—or shall we become partakers of other men's sins? I think neither of them.*"

Afterward, in the first Congress under the Constitution, on a motion, which was much debated, to introduce into the impost bill a duty on the importation of slaves, the same Roger M. Sherman, who, in the national convention, had opposed the idea of property in man, authoritatively exposed the true relations of the Constitution to slavery. His language was, that "the Constitution does not consider these persons as property; it speaks of them as persons."

Thus, distinctly and constantly, from the very lips of the framers of the Constitution, we learn

the falsehood of the recent assumptions in favor of slavery, and in derogation of freedom.

*Third.* According to a familiar rule of interpretation, all laws concerning the same matter, *in pari materia*, are to be construed together. By the same reason, *the grand political acts of the nation are to be construed together*, giving and receiving light from each other. Earlier than the Constitution was the Declaration of Independence, embodying, in immortal words, those primal truths to which our country pledged itself with its baptismal vows as a nation. "We hold these truths to be self-evident," says the nation, "that all men are created equal, that they are endowed by their Creator with certain inalienable rights; that among them are life, *liberty*, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed." But this does not stand alone. There is another national act of similar import. On the successful close of the Revolution, the Continental Congress, in an address to the people, repeated the same lofty truth. "Let it be remembered," said the nation again, "that it has ever been the pride and the boast of America, *that the rights for which she has contended were the rights of human nature*. By the blessing of the Author of *these rights*, they have prevailed over all opposition, and FORM THE BASIS of thirteen independent States." Such were the acts of the nation in its united capacity. Whatever may be the privileges of States in their individual capacities, within their several local jurisdictions, no power can be attributed to the nation, in the absence of a positive, unequivocal grant, inconsistent with these two national declarations. Here, sir, is the national heart, the national soul, the national will, the national voice, which must inspire our interpretation of the Constitution, and enter into and diffuse itself through all the national legislation. Thus again, is freedom national.

*Fourth.* Beyond these is a principle of the common law, clear and indisputable, a supreme rule of interpretation from which in this case there can be no appeal. In any question under the Constitution *every word is to be construed in favor of liberty.* This rule, which commends itself to the natural reason, is sustained by time-honored maxims of our early jurisprudence. Blackstone aptly expresses it, when he says that "the law is always ready to catch at anything in favor of liberty."—(2. Black. Com., 94.) The rule is repeated in various forms. *Favores ampliandi sunt; odia restringenda.* Favors are to be amplified; hateful things to be restrained. *Lex Angliæ est lex misericordiæ.* The law of England is a law of mercy. *Angliæ jura in omni casu libertati dant favorem.* The laws of England in every case show favor to liberty. And this sentiment breaks forth in natural, though intense force, in the maxim: *Impius et crudelis judicandus est qui libertati non favet.* He is to be adjudged impious and cruel who does not favor liberty. Reading the Constitution in the admonition of these rules, again I say, freedom is national.

*Fifth.* From a learned judge of the *Supreme Court of the United States*, in an opinion of the Court, we derive the same lesson. In considering the question, whether a State can prohibit the importation of slaves as merchandise, and whether Congress, in the exercise of its power to regulate commerce among the States, can interfere with the slave-trade between the States, a principle has been enunciated, which, while protecting the trade from any intervention of Congress, declares openly that the Constitution acts upon no man as property. Mr. Justice McLean says: "If slaves are considered in some of the States as merchandise, that cannot divest them of the leading and controlling quality of persons by which they are designated in the Constitution. The character of property is given them by the local law. This law is respected, and all rights under

it are protected by the Federal authorities; *but the Constitution acts upon slaves as PERSONS, and not as property.*" \* \* \* "The power over slavery belongs to the States respectively. It is local in its character, and in its effects."—(Groves vs. Slaughter, 15 Peters R., 507). Here again slavery is sectional, while freedom is national.

Sir, such, briefly, are the rules of interpretation, which, as applied to the Constitution, fill it with the breath of freedom,

Driving far off each thing of sin and guilt.

To the *history and prevailing sentiments* of the times, we may turn for further assurance. In the spirit of freedom, the Constitution was formed. In this spirit our fathers always spoke and acted. In this spirit the national government was first organized under Washington. And here I recall a scene, in itself a touchstone of the period, and an example for us, upon which we may look with pure national pride, while we learn anew the relations of the national government to slavery.

The Revolution had been accomplished. The feeble government of the Confederation had passed away. The Constitution, slowly matured in a national convention, discussed before the people, defended by masterly pens, had been already adopted. The thirteen States stood forth a nation, wherein was unity without consolidation, and diversity without discord. The hopes of all were anxiously hanging upon the new order of things, and the mighty procession of events. With signal unanimity, Washington was chosen President. Leaving his home at Mount Vernon, he repaired to New York, where the first Congress had already commenced its session, to assume his place as elected Chief of the Republic. On the 30th of April, 1789, the organization of the government was completed by his inauguration. Entering the Senate chamber, where the two Houses were assembled, he was informed that they awaited his

readiness to receive the oath of office. Without delay, attended by the Senators and Representatives, with friends and men of mark gathered about him, he moved to the balcony in front of the edifice. A countless multitude, thronging the open street, and eagerly watching this great espousal,

With reverence look on his majestic face,  
Proud to be less, but of his godlike race.

The oath was administered by the Chancellor of New York. At this time, and in this presence, beneath the uncovered heavens, Washington first took this vow upon his lips: "I do solemnly swear that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

Over the President, on this high occasion, floated the national flag, with its stripes of red, and its stars on a field of blue. As his patriot eyes rested upon the glowing ensign, what currents must have rushed swiftly through his soul! In the early days of the Revolution, in those darkest hours about Boston, after the battle of Bunker Hill, and before the Declaration of Independence, the thirteen stripes had been first unfurled by him, as the emblem of union among the colonies, for the sake of freedom. By him, at that time, they had been named the Union flag. Trial, struggle, and war, were now ended, and the Union, which they first heralded, was unalterably established. To every beholder these memories must have been full of pride and consolation. But, looking back upon the scene, there is one circumstance which, more than all its other associations, fills the soul—more, even, than the suggestions of Union which I prize so much. AT THIS MOMENT, WHEN WASHINGTON TOOK HIS FIRST OATH TO SUPPORT THE CONSTITUTION OF THE UNITED STATES, THE NATIONAL ENSIGN, NOWHERE WITHIN THE NATIONAL TERRITORY, COVERED

A SINGLE SLAVE. Then, indeed, was slavery sectional, and freedom national.

On the sea, an execrable piracy, the trade in slaves, was still, to the national scandal, tolerated under the national flag. In the States, as a sectional institution, beneath the shelter of local laws, slavery unhappily found a home. But in the only Territories at this time belonging to the nation, the broad region of the Northwest, it had already, by the ordinance of freedom, been made impossible, even before the adoption of the Constitution. The District of Columbia, with its fatal incumbrance, had not yet been acquired.

The government thus organized was anti-slavery in character. Washington was a slaveholder; but it would be unjust to his memory not to say that he was an Abolitionist also. His opinions do not admit of question. Only a short time before the formation of the national Constitution, he had declared, by letter, "that it was among his first wishes to see some plan adopted by which slavery may be abolished by law;" and again, in another letter; "that, in support of any legislative measure for the abolition of slavery, his suffrage should not be wanting;" and still further, in conversation with a distinguished European Abolitionist, a traveling propagandist of freedom, Brissot de Warville, recently welcomed to Mount Vernon, he had openly announced that, to promote this object in Virginia, "he desired the formation of a SOCIETY, and that he would second it." By this authentic testimony, he takes his place with the early patrons of Abolition societies.

By the side of Washington, as standing beneath the national flag he swore to support the Constitution, were illustrious men, whose lives and recorded words now rise in judgment. There was John Adams, the Vice President—great vindicator and final negotiator of our national independence—whose soul, flaming with freedom, broke forth in the early declaration that "consenting to slavery was a sacrileg

ous breach of trust," and whose unmitigable hostility to this wrong has been made immortal in his descendants. There also was a companion in arms and attached friend, of incomparable genius, the yet youthful Hamilton, who, as a member of the Abolition Society of New York, had only recently united in a solemn petition for those who, "though *free by the laws of God*, are held in slavery *by the laws of the State*." There, too, was a noble spirit, the ornament of his country, the exemplar of courage, truth, and virtue, who, like the sun, ever held an unerring course, John Jay. Filling the important post of Minister of Foreign Affairs under the Confederation, he found time to organize the Abolition Society of New York, and to act as its President until, by the nomination of Washington, he became Chief-Justice of the United States. In his sight slavery was an "iniquity," "a sin of crimson dye," against which ministers of the gospel should testify, and which the government should seek in every way to abolish. "Were I in the Legislature," he wrote, "I would present a bill for this purpose with great care, and I would never cease moving it till it became a law, or I ceased to be a member. Till America comes into this measure, her prayers to Heaven will be impious."

But they were not alone. The convictions and earnest aspirations of the country were with them. At the North they were broad and general. At the South they found fervid utterance from slaveholders. By early and precocious efforts for "total emancipation," the author of the Declaration of Independence placed himself foremost among the Abolitionists of the land. In language now familiar to all, and which can never die, he perpetually denounced slavery. He exposed its pernicious influences upon master as well as slave; declared that the love of justice and the love of country pleaded equally for the slave, and that the "abolition of domestic slavery was the greatest object of desire." He believed that

the "sacred side was gaining daily recruits," and confidently looked to the young for the accomplishment of this good work. In fitful sympathy with Jefferson was another honored son of Virginia, the orator of liberty, Patrick Henry, who, while confessing that he was a master of slaves, said: "I will not, I cannot justify it. However culpable my conduct, I will so far pay my devoir to virtue, as to own the excellence and rectitude of her precepts, and lament my want of conformity to them." At this very period, in the Legislature of Maryland, on a bill for the relief of oppressed slaves, a young man, afterward by his consummate learning and forensic powers the acknowledged head of the American bar, William Pinkney, in a speech of earnest, truthful eloquence—better far for his memory than his transcendent professional fame—branded slavery as "iniquitous and most dishonorable;" "founded on a disgraceful traffic;" "as shameful in its continuance as in its origin;" and he openly declared that, "by the eternal principles of natural justice, no master in the State has a right to hold his slave in bondage a single hour."

Thus at this time spoke the NATION. The CHURCH also joined its voice. And here, amidst the diversities of religious faith, it is instructive to observe the general accord. The Quakers first bore their testimony. At the adoption of the Constitution, their whole body, under the early teaching of George Fox, and by the crowning exertions of Benezet and Woolman, had become an organized band of Abolitionists, penetrated by the conviction that it was unlawful to hold a fellow-man in bondage. The Methodists, numerous, earnest, faithful, never ceased by their preachers to proclaim the same truth. Their rules in 1788 denounced, in formal language, "the buying or selling of bodies and souls of men, women, and children, with an intention to enslave them." The words of their great apostle, John Wesley, were constantly repeated. On the eve of the national conven-

tion, the burning tract was circulated in which he exposes American slavery as the "vilest" of the world—"such slavery as is not found among the Turks at Algiers"—and, after declaring "liberty the birthright of every human creature, of which no human law can deprive him," he pleads: "If, therefore, you have any regard to justice (to say nothing of mercy or the revealed law of God), render unto all their due. Give liberty to whom liberty is due, that is, to every child of man, to every partaker of human nature." At the same time, the Presbyterians, a powerful religious body, inspired by the principles of John Calvin, in more moderate language, but by a public act, recorded their judgment, recommending "to all the people under their care to use the most prudent measures consistent with the interest and the state of civil society, to procure eventually the final abolition of slavery in America." The Congregationalists of New England, also of the faith of John Calvin, and with the hatred of slavery belonging to the great non-conformist, Richard Baxter, were sternly united against this wrong. As early as 1776, Samuel Hopkins, their eminent leader and divine, published his tract, showing it to be the duty and interest of the American States to emancipate all their African slaves, and declaring that "slavery is in every instance wrong, unrighteous, and oppressive—a very great and crying sin—there being nothing of the kind equal to it on the face of the earth." And, in 1791, shortly after the adoption of the Constitution, the second Jonathan Edwards, a twice-honored name, in an elaborate discourse often published, called upon his country, "in the present blaze of light," on the injustice of slavery, to prepare the way for "its total abolition." This he gladly thought at hand. "If we judge of the future by the past," said the celebrated preacher, "within fifty years from this time it will be as shameful for a man to hold a negro slave, as to be guilty of common robbery or theft."

Thus, at this time, the church, in harmony with the nation, by its leading denominations, Quakers, Methodists, Presbyterians, and Congregationalists, thundered against slavery. The COLLEGES were in unison with the church. Harvard University spoke by the voice of Massachusetts, which had already abolished slavery. Dartmouth College, by one of its learned professors, claimed for the slaves "equal privileges with the whites." Yale College, by its President, the eminent divine, Ezra Stiles, became the head of the Abolition Society of Connecticut. And the University of William and Mary, in Virginia, testified its sympathy with this cause at this very time, by conferring upon Granville Sharp, the acknowledged chief of British Abolitionists, the honorary degree of Doctor of Laws.

The LITERATURE of the land, such as then existed, agreed with the nation, the church, and the college. Franklin, in the last literary labor of his life; Jefferson, in his Notes on Virginia; Barlow, in his measured verse; Rush, in a work which inspired the praise of Clarkson; the ingenious author of the Algerine Captive—the earliest American novel, and though now but little known, one of the earliest American books republished in London—were all moved by the contemplation of slavery. "If our fellow-citizens of the Southern States are deaf to the pleadings of nature," the latter exclaims in his work, "I will conjure them, for the sake of consistency, to cease to deprive their fellow creatures of freedom, which their writers, their orators, Representatives, and Senators, and even their Constitution of government, have declared to be the inalienable birthright of man."

Such, sir, at the adoption of the Constitution, and at the first organization of the national government, was the out-spoken, unequivocal heart of the country. Slavery was abhorred. Like the slave trade, it was regarded as temporary; and, by many, it was supposed that they would both disappear together. Voices of free-

dom filled the air. The patriot, the Christian, the scholar, the writer, vied in loyalty to this cause. All were Abolitionists.

Glance now at the earliest Congress under the Constitution. From various quarters, memorials were presented to this body against slavery. Among these was one from the Abolition Society of Virginia, wherein slavery is pronounced "not only an odious degradation, but an outrageous violation of one of the most essential rights of human nature, and utterly repugnant to the precepts of the Gospel." Still another, of a more important character, came from the Abolition Society of Pennsylvania, and was signed by Benjamin Franklin, as President. This venerable man, whose active life had been devoted to the welfare of mankind at home and abroad—who, both as philosopher and statesman, had arrested the admiration of the world—who had ravished the lightning from the skies, and the scepter from a tyrant—who, as a member of the Continental Congress, had set his name to the Declaration of Independence, and, as a member of the national convention, had again set his name to the Constitution—in whom more, perhaps, than in any other person, was embodied the true spirit of American institutions, at once practical and humane—than whom no one could be more familiar with the purposes and aspirations of the founders—this veteran, eighty-four years of age, within a few months of his death, now appeared by petition at the bar of that Congress, whose powers he had helped to define and establish. This was the last political act of his long life. Listen now to the prayer of Franklin:

"Your memorialists, particularly engaged in attending to the distresses arising from slavery, believe it to be their indispensable duty to present this subject to your notice. They have observed with real satisfaction, that many important and salutary powers are vested in you for promoting the welfare, and securing the blessings of liberty to the people of the United States; and as they conceive that these blessings ought rightfully to be administered, *without distinction of color*, to all descriptions of people, *so they indulge themselves in the pleasing expectation, that nothing which can be done for the relief*

*of the unhappy objects of their care, will be either omitted or delayed.*" "Under these impressions, they earnestly entreat your serious attention to the subject of slavery; *that you will be pleased to countenance the restoration of liberty to those unhappy men, who alone, in this land of freedom, are degraded into perpetual bondage*, and who, amidst the general joy of surrounding freemen, are groaning in servile subjection; that you will promote mercy and justice toward this distressed race, and *that you will step to the very verge of the power vested in you for DISCOURAGING every species of traffic in the persons of our fellow men.*"

Important words! In themselves a key-note of the times. From his grave, Franklin seems still to call upon Congress *to step to the very verge of the powers vested in it to DISCOURAGE SLAVERY*; and, in making this prayer, he proclaims the true national policy of the fathers. Not encouragement, but discouragement of slavery, was their rule.

Sir, enough has been said to show the sentiment which, like a vital air, surrounded the national government as it stepped into being. In the face of this history, and in the absence of any positive sanction, it is absurd to suppose that slavery, which, under the Confederation, was merely sectional, was now constituted a national institution. But there is yet another link in the argument.

In the discussions which took place in the local conventions on the adoption of the Constitution, a sensitive desire was manifested to surround all persons under the Constitution with additional safeguards. Fears were expressed from the supposed indefiniteness of some of the powers conceded to the national government, and also from the absence of a bill of rights. Massachusetts, on ratifying the Constitution, proposed a series of amendments, at the head of which was this, characterized by Samuel Adams, in the convention, as "a summary of a bill of rights:"

"That it be explicitly declared, that all powers not expressly delegated by the aforesaid Constitution are reserved to the several States, to be by them exercised."

Virginia, South Carolina, and North Carolina, with minorities in Pennsylvania and Maryland, united in this proposition. In pursuance



of these recommendations, the first Congress presented for adoption the following article, which, being ratified by a proper number of States, became a part of the Constitution, as the tenth amendment:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Stronger words could not be employed to limit the power under the Constitution, and to protect the people from all assumptions of the national government, *particularly in derogation of freedom*. Its guardian character commended it to the sagacious mind of Jefferson, who said: "I consider the foundation corner-stone of the Constitution of the United States to be laid upon the tenth article of the amendments." And Samuel Adams, ever watchful for freedom, said: "It removes a doubt which many have entertained respecting the matter, and gives assurance that, if any law made by the Federal government shall be extended beyond the power granted by the Constitution, and inconsistent with the Constitution of this State, it will be an error, and adjudged by the courts of law to be void."

Beyond all question, the national government, ordained by the Constitution, is not general or universal, but special and particular. It is a government of limited powers. It has no power which is not delegated. Especially is this clear with regard to an institution like slavery. The Constitution contains no power to make a king, or to support kingly rule. With similar reason it may be said, that it contains no power to make a slave, or to support a system of slavery. The absence of all such power is hardly more clear in one case than in the other.

At the risk of repetition, but for the sake of clearness, review now this argument, and gather it together. Considering that slavery is of such an offensive character that it can find sanction only in "positive law," and that

it has no such "positive" sanction in the Constitution; that the Constitution, according to its preamble, was ordained "to establish justice," and "secure the blessings of liberty;" that, in the convention which framed it, and also elsewhere at the time, it was declared not to sanction slavery; that, according to the Declaration of Independence and the address of the Continental Congress, the nation was dedicated to "liberty" and the "rights of human nature;" that, according to the principles of the common law, the Constitution must be interpreted openly, actively, and perpetually, for freedom; that, according to the decision of the Supreme Court, it acts upon slaves, *not as property*, but as PERSONS; that, at the first organization of the national government under Washington, slavery had no national favor, and existed nowhere beneath the national flag, or on the national territory, but was openly condemned by the nation, the church, the colleges, and literature of the time; and, finally, that, according to an amendment of the Constitution, the national government can only exercise powers delegated to it, among which there is none to support slavery; considering these things, sir, it is impossible to avoid the single conclusion that slavery is in no respect a national institution, and that the Constitution nowhere upholds property in man.

But, there is one other special provision of the Constitution, which I have reserved to this stage, not so much from its superior importance but because it may fitly stand by itself. This alone, if practically applied, would carry freedom to all within its influence. It is an amendment proposed by the first Congress, as follows:

"No person shall be deprived of life, liberty, or property, *without due process of law*."

Under this ægis the liberty of every person within the national jurisdiction is unequivocally placed. I say, of every person. Of this there can be no question. The word "person" in the Constitution embraces every human being within its sphere, whether Caucasian, Indian, or

African, from the President to the slave. Show me a person, no matter what his condition, or race, or color, within the national jurisdiction, and I confidently claim for him this protection. The natural meaning of the clause is clear, but a single fact of its history places it in the broad light of noon. As originally recommended by North Carolina and Virginia, it was restrained to the *freeman*. Its language was, "No *freeman* ought to be deprived of life, liberty, or property, but by the law of the land." In rejecting this limitation, the authors of the amendment revealed their purpose, that no person, under the national government, of whatever character, shall be deprived of liberty without due process of law; that is, without due presentment, indictment, or other judicial proceedings. Here by this amendment is an express guaranty of personal liberty, and an express prohibition against its invasion anywhere, at least within the national jurisdiction.

Sir, apply these principles, and slavery will again be as when Washington took his first oath as President. The Union flag of the Republic will become once more the flag of freedom, and at all points within the national jurisdiction will refuse to cover a slave. Beneath its beneficent folds, wherever it is carried, on land or sea, slavery will disappear, like darkness, under the arrows of the ascending sun—like the Spirit of Evil before the Angel of the Lord.

In all national Territories slavery will be impossible.

On the high seas, under the national flag, slavery will be impossible.

In the District of Columbia slavery will cease.

Inspired by these principles, Congress can give no sanction to slavery by the admission of new slave States.

Nowhere under the Constitution can the nation, by legislation or otherwise, support slavery, hunt slaves, or hold property in man.

Such, sir, are my sincere convictions. According to the Constitution, as I understand it,

in the light of the past, and of its true principles, there is no other conclusion which is rationable or tenable; which does not defy the authoritative rules of interpretation; which does not falsify indisputable facts of history; which does not affront the public opinion in which it had its birth; and which does not dishonor the memory of the fathers. And yet these convictions are now placed under formal ban by politicians of the hour. The generous sentiments which filled the early patriots, and which impressed upon the government they founded, as upon the coin they circulated, the image and superscription of LIBERTY, have lost their power. The slave-masters, few in number, amounting to about 300,000, according to the recent census, have succeeded in dictating the policy of the national government, and have written SLAVERY on its front. And now, an arrogant and unrelenting ostracism is applied, not only to all who express themselves against slavery, but to every man who is unwilling to be the menial of slavery. A novel test for office is introduced, which would have excluded all the fathers of the Republic—even Washington, Jefferson, and Franklin! Yes, sir. Startling it may be; but indisputable. Could these revered demigods of history once again descend upon earth, and mingle in our affairs, not one of them could receive a nomination from the national convention of either of the two old political parties! Out of the convictions of their hearts, and the utterances of their lips against slavery, they would be condemned.

This single fact reveals the extent to which the national government has departed from its true course and its great examples. For myself, I know no better aim under the Constitution, than to bring the government back to the precise position on this question which it occupied on the auspicious morning of its first organization under Washington;

Cursus iterare  
Relictos;

that the sentiments of the fathers may again prevail with our rulers, and that the national flag may nowhere shelter slavery.

To such as count this aspiration unreasonable, let me commend a renowned and life-giving precedent of English history. As early as the days of Queen Elizabeth, a courtier had boasted that the air of England was too pure for a slave to breathe, and the common law was said to forbid slavery. And yet, in the face of this vaunt, kindred to that of our fathers, and so truly honorable, slaves were introduced from the West Indies. The custom of slavery gradually prevailed. Its positive legality was affirmed, in professional opinions, by two eminent lawyers, Talbot and Yorke, each afterward Lord Chancellor. It was also affirmed on the bench by the latter as Lord Hardwicke. England was already a slave State. The following advertisement, copied from a London newspaper, the *Public Advertiser*, of Nov. 22, 1769, shows that the journals there were disfigured as some of ours, even in the District of Columbia:

"To be sold, a black girl, the property of J. B., eleven years of age, who is extremely handy, works at her needle tolerably, and speaks English perfectly well; is of an excellent temper and willing disposition. Enquire of her Owner at the Angel Inn, behind St. Clement's Church, in the Strand."

At last, only three years after this advertisement, in 1772, the single question of the legality of slavery was presented to Lord Mansfield, on a writ of *habeas corpus*. A poor negro named Somerset, brought to England as a slave, became ill, and, with an inhumanity disgraceful even to slavery, was turned adrift upon the world. Through the charity of an estimable man, the eminent Abolitionist, Granville Sharpe, he was restored to health, when his unfeeling and avaricious master again claimed him as a bondman. The claim was repelled. After an elaborate and protracted discussion in Westminster Hall, marked by rare learning and ability, Lord Mansfield, with discreditable reluctance, sullyng his great judicial name, but in

trembling obedience to the genius of the British Constitution, pronounced a decree which made the early boast a practical verity, and rendered slavery forever impossible in England. More than fifteen thousand persons, at that time held as slaves in English air—four times as many as are now found in this District—stepped forth in the happiness and dignity of freemen.

With this guiding example let us not despair. The time will yet come when the boast of our fathers will be made a practical verity also, and court or Congress, in the spirit of this British judgment, will proudly declare that nowhere under the Constitution can man hold property in man. For the Republic such a decree will be the way of peace and safety. As slavery is banished from the national jurisdiction, it will cease to vex our national politics. It may linger in the States as a local institution; but it will no longer engender national animosities, when it no longer demands national support.

II. From this general review of the relations of the national government to slavery, I pass to the consideration of the TRUE NATURE OF THE PROVISION FOR THE SURRENDER OF FUGITIVES FROM LABOR, embracing an examination of this provision in the Constitution, and especially of the recent act of Congress in pursuance thereof. And here, as I begin this discussion, let me bespeak anew your candor. Not in prejudice, but in the light of history and of reason, let us consider this subject. The way will then be easy, and the conclusion certain.

Much error arises from the exaggerated importance now attached to this provision, and from the assumptions with regard to its origin and primitive character. It is often asserted that it was suggested by some special difficulty, which had become practically and extensively felt, anterior to the Constitution. But this is one of the myths or fables with which the supporters of slavery have surrounded their false god. In the articles of Confederation, while provision is made for the surrender of fugitive

criminals, nothing is said of fugitive slaves, or servants; and there is no evidence in any quarter, until after the national convention, of any hardship or solicitude on this account. No previous voice was heard to express desire for any provision on the subject. The story to the contrary is a modern fiction.

I put aside as equally fabulous the common saying that this provision was one of the original compromises of the Constitution, and an essential condition of union. Though sanctioned by eminent judicial opinions, it will be found that this statement has been hastily made, without any support in the records of the convention, the only authentic evidence of the compromises; nor will it be easy to find any authority for it in any contemporary document, speech, published letter, or pamphlet of any kind. It is true that there were compromises at the formation of the Constitution, which were the subject of anxious debate; but this was not of them.

There was a compromise between the small and large States, by which equality was secured to all the States in the Senate. There was another compromise finally carried, under threats from the South, on the motion of a *New England member*, by which the slave States were allowed Representatives according to the whole number of free persons, and "three-fifths of all other persons," thus securing political power on account of their slaves, in consideration that direct taxes should be apportioned in the same way. Direct taxes have been imposed at only four brief intervals. The political power has been constant, and, at this moment, sends twenty-one members to the other House.

There was a third compromise, which cannot be mentioned without shame. It was that hateful bargain by which Congress was restrained until 1808 from the prohibition of the foreign slave trade, thus securing, down to that period, toleration for crime. This was pertinaciously pressed by the South, even to the extent

of an absolute restraint on Congress. John Rutledge said: "If the convention thinks North Carolina, South Carolina, and Georgia, will ever agree to this plan [the Federal Constitution], unless their right to import slaves be untouched, the expectation is vain. The people of those States will never be such fools as to give up so important an interest." Charles Pinckney said: "South Carolina can never receive the plan [of the Constitution] if it prohibits the slave trade." Charles Cotesworth Pinckney "thought himself bound to declare candidly that he did not think South Carolina would stop her importation of slaves in any short time." The effrontery of the slaveholders was matched by the sordidness of the Eastern members, who yielded again. Luther Martin, the eminent member of the convention, in his contemporary address to the Legislature of Maryland, has described the compromise. "I found," he says, "that the Eastern members, notwithstanding their aversion to slavery, were very willing to indulge the Southern States, at least with a temporary liberty to prosecute the slave trade, *provided the Southern States would in their turn gratify them, by laying no restriction on navigation acts.*" The bargain was struck, and at this price the Southern States gained the detestable indulgence. At a subsequent day, Congress branded the slave trade as piracy, and thus, by solemn legislative act, adjudged this compromise to be felonious and wicked.

Such are the three chief original compromises of the Constitution, and essential conditions of union. The case of fugitives from labor is not of these. During the convention, it was not in any way associated with these. Nor is there any evidence, from the records of this body, that the provision on this subject was regarded with any peculiar interest. As its absence from the articles of confederation had not been the occasion of solicitude or desire, anterior to the national convention, so it did

not enter into any of the original plans of the Constitution. It was introduced at a late period of the convention, and, with very little and most casual discussion, adopted. A few facts will show how unfounded are the recent assumptions.

The national convention was convoked to meet at Philadelphia on the second Monday in May, 1787. Several members appeared at this time; but a majority of the States not being represented, those present adjourned from day to day until the 25th, when the convention was organized by the choice of George Washington as President. On the 28th, a few brief rules and orders were adopted. On the next day they commenced their great work.

On this day, Edmund Randolph, of slaveholding Virginia, laid before the convention a series of sixteen resolutions, containing his plan for the establishment of a new national government. Here was no allusion to fugitive slaves.

On the same day, Charles Pinckney, of slaveholding South Carolina, laid before the convention what is called "a draft of a Federal government, to be agreed upon between the free and independent States of America," an elaborate paper, marked by considerable minuteness of detail. Here are provisions, borrowed from the articles of confederation, securing to citizens of each State equal privileges in the several States; giving faith to the public records of the States; and ordaining the surrender of fugitives from justice. But this draft, though from the flaming guardian of the slave interest, contained no allusion to fugitive slaves.

In the course of the convention other plans were brought forward; on the 15th of June a series of eleven propositions by Mr. Patterson, of New Jersey, "so as to render the Federal Constitution adequate to the exigencies of government, and the preservation of the Union;" on the 18th of June, eleven propositions by Mr. Hamilton, of New York, "containing his

ideas of a suitable plan of government for the United States;" and on the 19th of June, Mr. Randolph's resolutions, originally offered on the 29th of May, "as altered, amended, and agreed to in Committee of the Whole House." On the 26th, twenty-three resolutions, already adopted on different days in the convention, were referred to a "Committee of Detail," to be reduced to the form of a Constitution. On the 6th of August this committee reported the finished draft of a Constitution. And yet, in all these resolutions, plans, and drafts, *seven* in number, proceeding from eminent members, and from able committees, no allusion was made to fugitive slaves. For three months the convention was in session, and not a word uttered on this subject.

At last, on the 28th of August, as the convention was drawing to a close, on the consideration of the article providing for the privileges of citizens in different States, we meet the first reference to this matter, in words worthy of note: "Gen. [Charles Cotesworth] Pinckney was not satisfied with it. He SEEMED to wish some provision should be included in favor of property in slaves." But he made no proposition. Unwilling to shock the convention, and uncertain in his own mind, he only *seemed* to wish such a provision. In this vague expression of a vague desire this idea first appeared. In this modest, hesitating phrase, is the germ of the audacious, unhesitating Slave Act. Here is the little vapor, which has since swollen, as in the Arabian tale, to the power and dimensions of a giant. The next article under discussion provided for the surrender of fugitives from justice. Mr. Butler and Mr. Charles Pinckney, both from South Carolina, now moved openly to require "fugitive slaves and servants to be delivered up like criminals." Here was no disguise. With Hamlet, it was now said in spirit—

*Seems, madam, nay, it is; I know not seems.*

But the very boldness of the effort drew atten-

tion, and opposition. Mr. Wilson, of Pennsylvania, at once objected: "This would oblige the Executive of the State to do it at the public expense." Mr. Sherman, of Connecticut, "saw no more propriety in the public seizing and surrendering a slave or servant than a horse." Under the pressure of these objections the offensive proposition was quietly withdrawn. The article for the surrender of criminals was then adopted. On the next day, August 29, profiting by the suggestions already made, Mr. Butler moved a proposition—substantially like that now found in the Constitution—not directly for the surrender of "fugitive slaves," as originally proposed, but of "fugitives from service or labor," which, without debate or opposition of any kind, was unanimously adopted.

The provision, which showed itself thus tardily, and was so slightly noticed in the national convention, was neglected in much of the contemporaneous discussion before the people. In the conventions of South Carolina, North Carolina, and Virginia, it was commended as securing important rights, though on this point there was a difference of opinion. In the Virginia convention an eminent character, Mr. George Mason, with others, expressly declared that there was "no security of property coming within this section." In the other conventions it was disregarded. Massachusetts, while exhibiting peculiar sensitiveness at any responsibility for slavery, seemed to view it with unconcern. The Federalist (No. 42), in its classification of the powers of Congress, describes and groups a large number as those "which provide for the harmony and proper intercourse among the States," and therein speaks of the power over public records, standing next in the Constitution to the provision on fugitives from labor; but it fails to recognize the latter among the means of promoting that "harmony and proper intercourse;" nor does it anywhere allude to the provision.

The indifference which had thus far attended this subject still continued. The earliest act of Congress, passed in 1793, drew little attention. It was not originally suggested by any difficulty or anxiety touching fugitives from labor; nor is there any record of the times, in debate or otherwise, showing that any special importance was attached to its provisions in this regard. The attention of Congress had been directed to fugitives from justice, and, with little deliberation, it undertook in the same bill to provide for both classes of cases. In this accidental manner was legislation on this subject first attempted.

There is no evidence that fugitives were often seized under this act. From a competent inquirer we learn that twenty-six years elapsed before a single slave was surrendered under it in any free State. It is certain that, in a case at Boston, toward the close of the last century, illustrated by Josiah Quincy as counsel, the crowd about the magistrate at the examination quietly and spontaneously opened a way for the fugitive, and thus the act failed to be executed. It is also certain that, in Vermont, at the beginning of the century, a Judge of the Supreme Court of this State, on application for the surrender of an alleged slave, accompanied by documentary evidence, refused to comply, *unless the master could show a bill of sale from the Almighty*. But even these cases passed without public comment.

In 1801 the subject was introduced into the House of Representatives by an effort for another act, which, on consideration, was rejected. At a later day, in 1817-18, though still disregarded by the country, it seemed to excite a short-lived interest in Congress. A bill to provide more effectually "for reclaiming servants and slaves, escaping from one State into another," was introduced into the House of Representatives by Mr. Pindall, of Virginia, was considered for several days in Committee of the Whole, amended, and passed by this

body. In the Senate, after much attention and warm debate, it was also passed with amendments. But, on its return to the House for the adoption of the amendments, it was dropped. This effort, which, in the discussions of this subject, has thus far been unnoticed, is chiefly remarkable as the earliest recorded evidence of the unwarrantable assertion, now so common, that this provision was originally of vital importance to the peace and harmony of the country.

At last, in 1850, we have another act, passed by both Houses of Congress, and approved by the President, familiarly known as the Fugitive Slave Bill. As I read this statute I am filled with painful emotions. The masterly subtlety with which it is drawn might challenge admiration, if exerted for a benevolent purpose; but in an age of sensibility and refinement, a machine of torture, however skillful and apt, cannot be regarded without horror. Sir, in the name of the Constitution which it violates; of my country which it dishonors; of humanity which it degrades; of Christianity which it offends, I arraign this enactment, and now hold it up to the judgment of the Senate and the world. Again I shrink from no responsibility. I may seem to stand alone; but all the patriots and martyrs of history, all the fathers of the Republic, are with me. Sir, there is no attribute of God which does not unite against this act.

But I am to regard it now chiefly as an infringement of the Constitution. And here its outrages, flagrant as manifold, assume the deepest dye and broadest character only when we consider that, by its language, it is not restrained to any special race or class, to the African, or to the person with African blood; but that any inhabitant of the United States, of whatever complexion or condition, may be its victim. Without discrimination of color even, and in violation of every presumption of freedom, the act surrenders all who may be claimed as "owing service or labor" to the same tyrannical

proceedings. If there be any whose sympathies are not moved for the slave, who do not cherish the rights of the humble African, struggling for divine freedom, as warmly as the rights of the white man, let him consider well that the rights of all are equally assailed. "Nephew," said Algernon Sidney in prison, on the night before his execution, "I value not my own life a chip, but what concerns me is that *the law* which takes away my life may hang every one of you, whenever it is thought convenient."

Though thus comprehensive in its provisions, and applicable to all, there is no safeguard of human freedom which the monster act does not set at naught.

It commits this great question, than which none is more sacred in the law, not to a solemn trial, but to summary proceedings.

It commits this question, not to one of the high tribunals of the land, but to the unaided judgment of a single petty magistrate.

It commits this question to a magistrate, appointed, not by the President with the consent of the Senate, but by the court, holding his office, not during good behavior, but merely during the will of the court; and receiving, not a regular salary, but fees according to each individual case.

It authorizes judgment on *ex parte* evidence, by affidavits, without the sanction of cross-examination.

It denies the writ of *habeas corpus*, ever known as the palladium of the citizen.

Contrary to the declared purpose of the framers of the Constitution, it sends the fugitive back "at the public expense."

Adding meanness to the violation of the Constitution, it bribes the commissioner by a double fee to pronounce against freedom. If he dooms a man to slavery, the reward is ten dollars; but, saving him to freedom, his dole is five dollars.

The Constitution expressly secures the "free

exercise of religion;" but this act visits, with unrelenting penalties, the faithful men and women who may render to the fugitive that countenance, succor, and shelter, which in their conscience "religion" seems to require.

As it is for the public weal that there should be an end of suits, so by the consent of civilized nations, these must be instituted within fixed limitations of time; but this act, exalting slavery above even this practical principle of universal justice, ordains proceedings against freedom without any reference to lapse of time.

Glancing only at these points, and not stopping for argument, vindication, or illustration, I come at once upon the two chief radical objections to this act, identical in principle with those brought by our fathers against the British stamp act; *first*, that it is a usurpation by Congress of powers not granted by the Constitution, and an infraction of rights secured to the States; and, *second*, that it takes away trial by jury in a question of personal liberty, and a suit at common law. Either of these objections, if sustained, strikes at the very root of the act. That it is obnoxious to both, seems beyond doubt.

But here, at this stage, I encounter the difficulty, that these objections have already been foreclosed by the legislation of Congress, and by the decisions of the Supreme Court; that, as early as 1793, Congress assumed power over this subject by an act which failed to secure trial by jury, and that the validity of this act under the Constitution has been affirmed by the Supreme Court. On examination, this difficulty will disappear.

The act of 1793 proceeded from a Congress that had already recognized the United States Bank, chartered by a previous Congress, which, though sanctioned by the Supreme Court, has been since in high quarters pronounced unconstitutional. If it erred as to the bank, it may have erred also as to fugitives from labor. But the very act contains a capital error on this

very subject, so declared by the Supreme Court, in pretending to vest a portion of the judicial power of the nation in State officers. This error takes from the act all authority as an interpretation of the Constitution. I dismiss it.

The decisions of the Supreme Court are entitled to great consideration, and will not be mentioned by me, except with respect. Among the memories of my youth are happy days in which I sat at the feet of this tribunal, while MARSHALL presided, with STORY by his side. The pressure now proceeds from the case of *Prigg vs. Pennsylvania*, (16 Peters, 539), wherein the power of Congress over this matter is asserted. Without going into any minute criticism of this judgment, or considering the extent to which it is extra-judicial, and therefore of no binding force, all which has been already done at the bar in one State, and by an able court in another; but, conceding to it a certain degree of weight as a rule to the judiciary on this particular point, still it does not touch the grave question arising from the denial of trial by jury. This judgment was pronounced by Mr. Justice Story. From the interesting biography of this great jurist, recently published by his son, we derive the distinct statement that the necessity of trial by jury was not before the court; so that, in the estimation of the Judge himself, it was still an open question. Here are the words:

"One prevailing opinion, which has created great prejudice against this judgment, is, that it denies the right of a person claimed as a fugitive from service or labor, to a trial by jury. This mistake arises from supposing the case to involve the general question as to the constitutionality of the act of 1793. But in fact, no such question was in the case; and the argument that the act of 1793 was unconstitutional, because it did not provide for a trial by jury according to the requisitions of the sixth article in the amendments to the Constitution, having been suggested to my father on his return from Washington, he replied that this question was not argued by counsel nor considered by the court, and that he should still consider it an open one."

But, whatever may be the influence of this judgment as a rule to the judiciary, it cannot arrest our duty as legislators. And here I adopt with entire assent the language of President



Jackson, in his memorable veto, in 1832, of the Bank of the United States. To his course was opposed the authority of the Supreme Court, and this is his reply :

"If the opinion of the Supreme Court covers the whole ground of this act, it ought not to control the co-ordinate authorities of this government. The Congress, the Executive, and the Court, must each for itself be guided by its own opinion of the Constitution. *Each public officer, who takes an oath to support the Constitution, swears that he will support it as he understands it, and not as it is understood by others.* It is as much the duty of the House of Representatives, of the Senate, and of the President, to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval, as it is of the supreme judges when it may be brought before them for judicial decision. The authority of the Supreme Court must not, therefore, be permitted to control the Congress or the Executive, when acting in their legislative capacities, but to have only such influence as the force of their reasoning may deserve."

With these authoritative words of Andrew Jackson, I dismiss this topic. The early legislation of Congress, and the decisions of the Supreme Court, cannot stand in our way. I advance to the argument.

(1.) *Now, first, of the power of Congress over this subject.*

The Constitution contains *powers* granted to Congress, *compacts* between the States, and *prohibitions* addressed to the nation and to the States. A compact or prohibition may be accompanied by a power; but not necessarily, for it is essentially distinct in its nature. And here the single question arises, whether the Constitution, by grant, general or special, confers upon Congress any power to legislate on the subject of fugitives from labor.

The whole legislative power of Congress is derived from two sources; first, from the general grant of power, attached to the long catalogue of powers, "to make all laws which shall be necessary and proper for the carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof;" and, second, from special grants in other parts of the Constitution. As

the provision in question does not appear in the catalogue of powers, and does not purport to vest any power in the government of the United States, or in any department or officer thereof, no power to legislate on this subject can be derived from the general grant, nor can any such power be derived from any special grant in any other part of the Constitution; for none such exists. The conclusion must be, that no power is delegated to Congress over the surrender of fugitives from labor.

In all contemporary discussions and comments, the Constitution was constantly justified and recommended, on the ground that the powers not given to the government were withheld from it. If, under its original provisions, any doubt could have existed on this head, it was removed, so far as language could remove it, by the tenth amendment, which, as we have already seen, expressly declares that "the powers *not delegated* to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Here on the simple text of the Constitution I might leave this question. But its importance justifies a more extended examination in a two-fold light; *first*, in the history of the convention, revealing the unmistakable intention of its members; and, *second*, in the true principles of our political system, by which the powers of the nation and of the States are respectively guarded.

Look first at the *history of the Convention*. The articles of the old confederation, adopted by the Continental Congress, 15th November, 1777, though containing no reference to fugitives from labor, had provisions substantially like those in our present Constitution, touching the privileges of citizens in the several States, the surrender of fugitives from justice, and the credit due to the public records of States. But, since the confederation had no powers not "expressly delegated," and as no power was delegated to legislate on these matters, they were nothing

more than articles of treaty or compact. Afterward, at the national convention, these three provisions found a place in the first reported draft of a Constitution, and they were arranged in the very order which they occupied in the articles of confederation. *The clause relating to public records stood last.* Mark this fact.

When this clause, being in form merely a *compact*, came up for consideration in the convention, various efforts were made to graft upon it a *power*. This was on the very day of the adoption of the clause relating to fugitives from labor. Charles Pinckney moved to commit it with a proposition for a *power* to establish uniform laws on the subject of bankruptcy and foreign bills of exchange. Mr. Madison was in favor of a *power* for the execution of judgments in other States. Governor Morris also on the same day moved to commit a further proposition for a *power* "to determine the proof and effect of such acts, records, and proceedings." Amidst all these efforts to associate a power with this compact, it is clear that nobody supposed that any such already existed. This narrative places the views of the convention beyond question.

The compact regarding public records, together with these various propositions, was referred to a committee, on which were Mr. Randolph and Mr. Wilson, with John Rutledge, of South Carolina, as chairman. After several days, they reported the compact with a *power* in Congress to prescribe by general laws the manner in which such records shall be proved. A discussion ensued, in which Mr. Randolph complained that the "definition of the powers of the government was so loose as to give it opportunities of usurping all the State powers. *He was for not going further than the report, which enables the Legislature to provide for the effect of judgments.*" The clause of compact, with the power attached, was then adopted, and is now a part of the Constitution. In presence of this solicitude for the preserva-

tion of "State powers," even while considering a proposition for an express power, and also of the distinct statement of Mr. Randolph, that he 'was not for going further than the report,' it is evident that the idea could not then have occurred that a power was coupled with the naked clause of compact on fugitives from labor.

At a later day, the various clauses and articles severally adopted from time to time in convention, were referred to a committee of revision and arrangement, that they might be reduced to form as a connected whole. *Here another change was made.* The clause relating to public records, with the power attached, was taken from its original place at the bottom of the clauses of compact, and promoted to stand first in the article, as a distinct section, while the other clauses of compact, concerning citizens, fugitives from justice, and fugitives from labor, each and all without any power attached, by a natural association compose but a single section, thus:

#### ARTICLE IV.

"SECTION 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. *And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect hereof.*

"SEC. 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

"A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

"No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom service or labor may be due.

"SEC. 3. New States *may be admitted by the Congress* into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned *as well as of the Congress.*

"*The Congress shall have power* to dispose of, and make all needful rules and regulations respecting the territory or property belonging to the United States; and nothing in this Constitution shall be so construed as to

prejudice any claims of the United States, or of any particular State.

"SEC. 4. The *United States shall guarantee* to every State in this Union, a republican form of government, and *shall protect* each of them against invasion and on application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic violence."

Here is the whole article. It will be observed that the third section immediately following the triad section of compacts, contains two specific powers, one with regard to new States, and the other with regard to the public treasury. These are naturally grouped together, while the fourth section of this same article, which is distinct in its character, is placed by itself. In the absence of all specific information, reason alone can determine why this arrangement was made. But the conclusion is obvious, that, in view of the committee, and of the convention, each of these sections differs from the others. The first contains a compact with a grant of power. The second contains provisions, all of which are simple compacts, and two of which were confessedly simple compacts in the old articles of confederation, from which, unchanged in letter or spirit, they were borrowed. The third is a two-fold grant of power to Congress, without any compact. The fourth is neither power nor compact merely, nor both united, but a solemn injunction upon the national government to perform an important duty.

The framers of the Constitution were wise and careful men, who had a reason for what they did, and who understood the language which they employed. They did not, after discussion, incorporate into their work any superfluous provision; nor did they, without design, adopt the peculiar arrangement in which it appears. In adding to the record compact, the express grant of power, they testified not only their desire for such power in Congress, but their conviction that, without an express grant, it would not exist. But if an express grant was necessary in this case, it was equally necessary in all other cases. *Expressum facit*

*cessare tacitum.* Especially, in view of its odious character, was it necessary in the case of fugitives from labor. In abstaining from any such grant, and then, in grouping the bare compact, with other similar compacts, separate from every grant of power, they have most significantly testified their purpose. They not only decline all addition of any such power to the compact, but to render misapprehension impossible, to make assurance doubly sure, to exclude any contrary conclusion, they punctiliously arrange the clauses, on the principle of *nascitur a sociis*, so as to distinguish all the grants of power, but especially to make the new grant of power, in the case of public records, stand forth in the front by itself, severed from the mere naked compacts with which it was originally associated.

Thus the records of the convention show that the founders understood the necessity of *powers* in certain cases, and, on consideration, most jealously granted them. A closing example will strengthen the argument. Congress is expressly empowered "*to establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States.*" Without this provision, these two subjects would have been within the control of the States, the nation having no power *to establish a uniform rule* thereupon. Now, instead of the existing compact on fugitives from labor, it would have been easy, had any such desire prevailed, to add this case to the clause on naturalization and bankruptcies, and to empower Congress TO ESTABLISH A UNIFORM RULE FOR THE SURRENDER OF FUGITIVES FROM LABOR THROUGHOUT THE UNITED STATES. Then, of course, whenever Congress undertook to exercise the power, all State control of the subject would have been superseded. The national government would have been constituted, like Nimrod, the mighty hunter, with power to gather the huntsmen, to halloo the pack, and to direct the chase of men, ranging at will, with-

out regard to boundaries or jurisdictions, throughout all the States. But no person in the convention, not one of the reckless partisans of slavery, was so audacious as to make this proposition. Had it been distinctly made, it would have been distinctly denied.

The fact that the provision on this subject was adopted unanimously, while showing the little importance attached to it *in the shape it finally assumed*, testifies also that it could not have been regarded as a source of national power over slavery. It will be remembered that, among the members of the convention, were Governor Morris, who had said that he "*never* would concur in upholding domestic slavery;" Elbridge Gerry, who thought "we ought to be careful *not to give any sanction to it*;" Roger M. Sherman, who was *opposed* to any clause "acknowledging men to be property;" and Mr. Madison, who "thought it *wrong* to admit in the Constitution the idea that there could be property in man." In the face of these unequivocal statements, it is absurd to suppose that they consented *unanimously* to any provision by which the national government, the work of their hands, dedicated to freedom, could be made the most offensive instrument of slavery.

Thus much for the evidence from the history of the convention. But the *true principles of our political system* are in harmony with this conclusion of history; and here let me say a word of State rights.

It was the purpose of our fathers to create a national government, and to endow it with adequate powers. They had known the perils of imbecility, discord, and confusion, during the uncertain days of the confederation, and desired a government which should be a true bond of union, and an efficient organ of the national interests at home and abroad. But while fashioning this agency, they fully recognized the governments of the States. To the nation were delegated high powers, essential to the national interests, but specific in character, and

limited in number. To the States, and to the people were reserved the powers, general in character, and unlimited in number, not delegated to the nation, or prohibited to the States.

The integrity of our political system depends upon harmony in the operations of the nation and of the States. While the nation within its wide orbit is supreme, the States move with equal supremacy in their own. But from the necessity of the case, the supremacy of each in its proper place excludes the other. The nation cannot exercise rights reserved to the States; nor can the States interfere with the powers of the nation. Any such action on either side is a usurpation. These principles were distinctly declared by Mr. Jefferson, in 1798, in words often adopted since; and which must find acceptance from all parties:

"That the several States composing the United States of America, are not united upon the principle of unlimited submission to the general government; but that by compact, under the style and title of the Constitution of the United States, and of the amendments thereto, they constituted a general government for special purposes, *delegated to that government certain definite powers*, reserving each State to itself, the residuary mass of right to their own self-government, and that *wheresoever the general government assumes undelegated powers, its acts are unauthorized, void, and of no force.*"

But I have already amply shown to-day that slavery is in no respect national—that it is not within the sphere of national activity—that it has no "positive" support in the Constitution, and that any interpretation thereof inconsistent with this principle would be abhorrent to the sentiments of its founders. Slavery is a local institution, peculiar to the States, and under the guardianship of State rights. It is impossible, without violence, at once to the spirit and to the letter of the Constitution, to attribute to Congress any power to legislate, either for its abolition in the States, or its support anywhere, *Non-intervention* is the rule prescribed in the nation. Regarding the question only in its more general aspects, and putting aside, for the moment, the perfect evidence from the records of the convention, it is palpable that there is

no *national fountain* out of which the existing slave act can be derived.

But this act is not only an unwarrantable assumption of power by the nation; it is also an infraction of rights reserved to the States. Everywhere within their borders the States are the peculiar guardians of *personal liberty*. By jury and habeas corpus to save the citizen harmless against all assault, is among their duties and rights. To his State the citizen, when oppressed, may appeal, nor should he find that appeal denied. But this act despoils him of his rights and despoils his State of all power to protect him. It subjects him to the wretched chances of false oaths, forged papers, and facile commissioners, and takes from him every safeguard. Now, if the slaveholder has a right to be secure *at home* in the enjoyment of *slavery*, so also has the freeman of the North—and every person there is presumed to be a freeman—an equal right to be secure *at home* in the enjoyment of *freedom*. The same principle of State rights, by which slavery is protected in the slave States, throws its impenetrable shield over freedom in the free States. And here, let me say, is the only security for slavery in the slave States, as for freedom in the free States. In the present fatal overthrow of State rights you teach a lesson which may return to plague the teacher. Compelling the national government to stretch its Briarean arms into the free States, for the sake of slavery, you show openly how it may stretch these same hundred giant arms into the slave States for the sake of freedom. This lesson was not taught by our fathers.

And here I end this branch of the question. The true principles of our political system, the history of the national convention, the natural interpretation of the convention, all teach that this act is a usurpation by Congress of powers that do not belong to it, and an infraction of rights secured to the States. It is a sword, whose handle is at the national capital, and whose point is everywhere in the States. A weapon

so terrible to personal liberty, the nation has no power to grasp.

(2.) *And now of the denial of trial by jury.* Admitting, for the moment, that Congress is intrusted with power over this subject, which truth disowns, still the act is again radically unconstitutional from its denial of trial by jury in a question of personal liberty, and a suit at common law. Since on the one side there is a claim of property, and on the other of liberty, both property and liberty are involved in the issue. To this claim on either side is attached trial by jury.

To me, sir, regarding this matter in the light of the common law, and in the blaze of free institutions, it has always seemed impossible to arrive at any other conclusion. If the language of the Constitution were open to doubt, which it is not, still all the presumptions of law, all the leanings for freedom, all the suggestions of justice, plead angel-tongued for this right. Nobody doubts that Congress, if it legislates on this matter, *may* allow a trial by jury. But if it *may*, so overwhelming is the claim of justice, it *must*. Beyond this, however, the question is determined by the precise letter of the Constitution.

Several expressions in the provision for the surrender of fugitives from labor, show the essential character of the proceedings. In the first place, the person must be, not merely *charged*, as in the case of fugitives from justice, but actually *held to labor* in the State from which he escaped. In the second place, he must be “delivered up on claim of the party to whom such labor is *due*.” These two facts, that he was *held* to labor, and that his labor was *due* to his claimant, are directly placed in issue, and must be proved. Two necessary incidents of the delivery may also be observed. First, it must be made in the State where the fugitive is found; and, secondly, it restores to the claimant his complete control over the person of the fugitive. From these circumstances it is evi-

dent that the proceedings cannot be regarded, in any just sense, as preliminary, or ancillary to some future formal trial, but as complete in themselves, final and conclusive.

And these proceedings determine on the one side the question of property, and on the other the sacred question of personal liberty in its most transcendent form; not merely liberty for a day or a year, but for life, and the liberty of generations that shall come after, so long as slavery endures. To these questions, the Constitution, by two specific provisions, attaches the trial by jury. One of these is the familiar clause, already adduced: "No *person* shall be deprived of life, *liberty*, or property, *without due process of law*;" that is, without due proceedings at law, with trial by jury. Not stopping to dwell on this, I press at once to the other provision, which is still more express: "In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved." This clause, which was not in the original Constitution, was suggested by the very spirit of freedom. At the close of the national convention, Elbridge Gerry refused to sign the Constitution, because, among other things, it established "a tribunal *without juries*, a star chamber as to civil cases." Many united in the opposition, and on the recommendation of the first Congress this additional safeguard was adopted as an amendment.

Now, regarding the question as one of property, or of personal liberty, in either alternative the trial by jury is secured. For this position authority is ample. In the debate on the Fugitive Slave Bill of 1817-18, a Senator from South Carolina, Mr. Smith, anxious for the asserted right of property, objected, on this very floor, to a reference of the question, under the writ of habeas corpus, to a judge without a jury. Speaking solely for property, these were his words:

"This would give the judge the sole power of de-

ciding the right of property the master claims in his slaves, instead of trying that right by a jury, as prescribed by the Constitution. He would be judge of matters of law, and matters of fact; clothed with all the powers of a court. Such a principle is unknown in your system of jurisprudence. *Your Constitution has forbid it.* It preserves the right of trial by jury in all cases where the value in controversy exceeds twenty dollars." —(Debates in *National Intelligencer*, June 15, 1818).

But this provision has been repeatedly discussed by the Supreme Court, so that its meaning is not open to doubt. Three conditions are necessary. *First*, the proceedings must be "a suit;" *second*, "at common law;" and *third*, "where the value in controversy exceeds twenty dollars." In every such case "the right of trial by jury *shall* be preserved." The decisions of the Supreme Court expressly touch each of these points.

*First.* In the case of *Cohens vs. Virginia*, (6 Wheaton, 407), the court say: "What is a *suit*? We understand it to be the prosecution of some *claim*, demand, or request." Of course, then, the "claim" for a fugitive must be "a suit."

*Second.* In the case of *Parsons vs. Bedford*, (3 Peters, 456), while considering this very clause, the court say: "By *common law* is meant not merely suits which the common law recognized among its old and settled proceedings, but suits in which *legal rights* were to be ascertained and determined. In a just sense, the amendment may well be construed to embrace all suits, which are not of equity or admiralty jurisdiction, *whatever may be the peculiar form which they may assume to settle legal rights.*" Now, since the claim for a fugitive is not a suit in equity or admiralty, but a suit to settle what are called legal rights, it must, of course, be "a suit at common law."

*Third.* In the case of *Lee vs. Lee* (8 Peters, 44), on a question whether "the value in controversy" was "one thousand dollars and upward," it was objected that the appellants, who were petitioners for freedom, were not of the value of one thousand dollars. But the

court said: "The matter in dispute is the freedom of the petitioners. *This is not susceptible of pecuniary valuation.* No doubt is entertained of the jurisdiction of the court." Of course, then, since liberty is above price, the claim to any fugitive always and necessarily presumes that "the value in controversy exceeds twenty dollars."

By these successive steps, sustained by decisions of the highest tribunal, it appears, as in a diagram, that the right of trial by jury is secured to the fugitive from labor.

This conclusion needs no further authority; but it may receive curious illustration from the ancient records of the common law, so familiar and dear to the framers of the Constitution. It is said of Mr. Burke, in his magnificent speech on Conciliation with America, that "nearly as many of Blackstone's Commentaries were sold in America as in England," carrying thither the knowledge of those vital principles of freedom, which were the boast of the British Constitution. Imbued by these, the earliest Continental Congress, in 1774 declared, "that the respective colonies are entitled to the common law of England, and especially to the great and inestimable privilege of being tried by their peers of the vicinage according to the course of that law." Thus, amidst the troubles which heralded the Revolution, the common law was claimed by our fathers as a birthright

Now, although the common law may not be approached as a source of jurisdiction under the national Constitution—and on this point I do not dwell—it is clear that it may be employed in determining the meaning of technical terms in the Constitution borrowed from this law. This, indeed, is expressly sanctioned by Mr. Madison, in his celebrated report of 1799, while restraining the extent to which the common law may be employed. Thus, by this law, we learn the nature of *trial by jury*, which, though secured, is not described by the Constitution; also *Bills of Attainder*, the *Writ of Habeas*

*Corpus*, and *Impeachment*, all technical terms of the Constitution borrowed from the common law. By this law, and its associate Chancery, we learn what are *cases in law and equity* to which the judicial power of the United States is extended. These instances I adduce merely by way of example. Of course also in the same way we learn what in reality are *suits at common law*.

Now, on principle and authority, a *claim for the delivery of a fugitive slave is a suit at common law*, and is embraced naturally and necessarily in this class of judicial proceedings. This proposition can be placed beyond question.

History painfully records that, during the early days of the common law, and down even to a late period, a system of slavery existed in England, known under the name of *villainage*. The slave was generally called a *villain*, though, in the original Latin forms of judicial proceedings, *nativus*, implying slavery by birth. The incidents of this condition have been minutely described, and also the mutual remedies of master and slave, all of which were regulated by the common law. Slaves sometimes then, as now, *escaped* from their masters. The claim for them after such *escape* was prosecuted by a "suit at common law," to which, as to every suit at common law, the trial by jury was necessarily attached. Blackstone, in his commentaries, (Vol. II, p. 93), in words which must have been known to all the lawyers of the convention, said of *villains*: "They could not leave their lord without his permission, but *if they ran away*, or were purloined from him, *might be CLAIMED and recovered by ACTION, like beasts or other cattle.*" This very word "action" of itself implies "a suit at common law" with trial by jury.

From other sources we learn precisely what the *action* was. That great expounder of the ancient law, Mr. Hargrave, says, "The year books and books of entries are full of the forms used in pleading a title to *villains*." Though no longer of practical value in England, they

remain as monuments of jurisprudence, and as mementoes of a barbarous institution. He thus describes the remedy of the master at common law:

"The lord's remedy for a *fugitive villain* was, either by seizure or by suing out a writ of *Nativo Habendo*, or *neifty*, as it is sometimes called. If the lord seized, the villain's most effectual mode of recovering liberty was by the writ of *homine replegiando*, which had great advantage over the writ of *habeas corpus*. In the *habeas corpus* the return cannot be contested by pleading against the truth of it, and consequently on a *habeas corpus* the question of liberty cannot go to a jury for trial. But in the *homine replegiando* it was otherwise. The plaintiff on the defendant's pleading villainage, had the same opportunity of contesting it, as when impleaded by the lord in a *nativo habendo*. If the lord sued out a *nativo habendo*, and the villainage was denied, in which case the sheriff could not seize the villain, the lord was then to enter his *plaint in the county court*, and as the sheriff was not allowed to try the question of villainage in his court, the lord could not have any benefit from the writ, without removing the cause by the writ of *pone* into the King's bench or common pleas."—(20 Howell's State Trials, 38 *note*.)

The authority of Mr. Hargrave is sufficient. But I desire to place this matter beyond all cavil. From the Digest of Lord Chief Baron Comyns, which, at the adoption of the Constitution, was one of the classics of our jurisprudence, I derive another description of the remedy of the master:

"If the lord claims an inheritance in his villain, who flies from his lord against his will, and lives in a place out of the manor, to which he is regardant, the lord shall have a *nativo habendo*. And upon such writ, directed to the sheriff, he may seize him who does not deny himself to be a villain. But if the defendant says that he is a free man, the sheriff cannot seize him, but the lord must remove the writ by *pone* before the justice in *Eire*, or in C. B., where he must count upon it."—(Comyns' Digest—Villainage, C. 1.)

An early writer of peculiar authority, Fitzherbert, in his *natura brevium*, on the writs of the common law, thus describes these proceedings:

"The writ of *nativo habendo* lieth for the lord who claimeth inheritance in any villain, when his villain is run from him, and is remaining within any place out of the manor unto which he is regardant, or when he departeth from his lord against the lord's will; and the writ shall be directed to the sheriff. And the sheriff may seize the villain, and deliver him unto his lord, if the villain confess unto the sheriff that he is a villain; but if the villain say to the sheriff that he is frank, then it seemeth that the sheriff ought not to seize him; as it is in a *replevin*, if the

defendant claim property, the sheriff cannot replevy the cattle, but the party ought to sue a writ of *de proprietate probanda*; and so if the villain say that he is a freeman, etc., then the sheriff ought not to seize him, but then the lord ought to sue a *pone* to remove the plea before the justices of the common pleas, or before the justices in eyre. But if the villain purchase a writ of *libertate probanda* before the lord hath sued the *pone* to remove the plea before the justices, then that writ of *libertate probanda* is a *superseas* unto the lord, that he proceeded not upon the writ *nativo habendo* till the eyre of the justices, and that the lord ought not to seize the villain in the meantime."—(Vol. I, p. 76.)

These authorities are not merely applicable to the general question of freedom; but they distinctly contemplate the case of *fugitive slaves*, and the suits at "common law" for their rendition. Blackstone speaks of villains who "ran away;" Hargrave of "fugitive villains;" Comyns of a "villain who flies from his lord against his will;" and Fitzherbert of the proceedings of the lord "when his villain is run from him." The forms, writs, counts, pleadings, and judgments, in these suits, are all preserved among the precedents of the common law. The writs are known as original writs, which the party on either side, at the proper stage, could sue out of right without showing cause. The writ of *libertate probanda* for a fugitive slave was in this form:

"*Libertate Probanda.*

"The king to the sheriff, etc. A and B her sister have showed unto us, that whereas they are free women, and ready to prove their liberty, F claiming them to be his nieces unjustly, vexes them; and therefore we command you, that if the aforesaid A and B shall make you secure touching the proving of their liberty, then put that plea before our justices at the first assizes, when they shall come into those parts, because proof of this kind belongeth not to you to take; and in the meantime cause the said A and B to have peace thereupon and tell the aforesaid F that he may be there, if he will, to prosecute his plea thereof against the aforesaid A and B. And have there this writ. Witness, etc."—(Fitzherbert, Vol. I, p. 77.)

By these various proceedings, all ending in trial by jury, personal liberty was guarded, even in the early, unrefined, and barbarous days of the common law. Any person claimed as a fugitive slave might invoke this trial as a sacred right. Whether the master proceeded by seizure, as he might, or by legal process, the



trial by jury in a suit at common law, before one of the high courts of the realm, was equally secured. In the case of seizure, the fugitive, reversing the proceedings, might institute process against the master, and appeal to a court and jury. In the case of process by the master, the watchful, law secured to the fugitive the same protection. By no urgency of force, by no device of process, could any person claimed as a slave be defrauded of this trial. Such was the common law. If its early boast, that there could be no slaves in England, fails to be true, this at least may be its pride, that, according to its indisputable principles, the liberty of every man was placed under the guard of trial by jury.

These things may seem new to us; but they must have been known to the members of the convention, particularly to those from South Carolina, through whose influence the provision on this subject was adopted. Charles Cotesworth Pinckney and Mr. Rutledge had studied law at the Temple, one of the English inns of court. It would be a discredit to them, and also to other learned lawyers, members of the convention, to suppose that they were not conversant with the principles and precedents directly applicable to this subject, all of which are set down in works of acknowledged weight, at that time of constant professional study. Only a short time before, in the case of *Somerset*, they had been most elaborately examined in Westminster Hall. In a forensic effort of unsurpassed learning and elevation, which of itself vindicates for its author his great juridical name, Mr. Hargrave had fully made them known to such as were little acquainted with the more ancient sources. But, even if we could suppose them unknown to the lawyers of the convention, they are none the less applicable in determining the true meaning of the Constitution.

The conclusion from the examination is explicit. Clearly and indisputably, in England, the country of the common law, a claim for a fugitive slave was "a suit at common law,"

recognized "among its old and settled proceedings." To question this, in the face of authentic principles and precedents, would be preposterous. As well might it be questioned, that a writ of replevin for a horse, or a writ of right for land, was "a suit at common law." It follows, then, that this *technical term* of the Constitution, read in the illumination of the common law, naturally and necessarily embraces proceedings for the recovery of fugitive slaves, if any such be instituted or allowed under the Constitution. And thus, by the letter of the Constitution, in harmony with the requirements of the common law, all such persons, when claimed by their masters, are entitled to a trial by jury.

Such, sir, is the argument, briefly uttered, against the constitutionality of the slave act. Much more I might say on this matter; much more on the two chief grounds of objection which I have occupied. But I am admonished to hasten on.

Opposing this act as doubly unconstitutional from a want of power in Congress and from a denial of trial by jury, I find myself again encouraged by the example of our revolutionary fathers, in a case which is one of the landmarks of history. The parallel is important and complete. In 1765 the British Parliament, by a notorious statute, attempted to draw money from the colonies through a stamp tax, while the determination of certain questions of forfeiture under the statute was delegated—not to the courts of common law—but to courts of admiralty without a jury. The stamp act, now execrated by all lovers of liberty, had this extent and no more. Its passage was the signal for a general flame of opposition and indignation, throughout the colonies. It was denounced as contrary to the British Constitution on two principal grounds; *first*, as a usurpation by Parliament of powers not belonging to it, and an infraction of rights secured to the colonies; and, *second*, as a denial of trial by jury in certain cases of property.

The public feeling was variously expressed. At Boston, on the arrival of the stamps, the shops were closed, the bells of the churches tolled, and the flags of ships hung at half-mast. At Portsmouth, in New Hampshire, the bells were tolled, and notice given to the friends of liberty to hold themselves in readiness to attend her funeral. At New York a letter was received from Franklin, then in London, written on the day after the passage of the act, in which he said: "The sun of liberty is set." The obnoxious act, headed "Folly of England and Ruin of America," was contemptuously hawked through the streets. The merchants of New York, inspired then by liberty, resolved to import no more goods from England until the repeal of the act; and their example was followed shortly afterward by the merchants of Philadelphia and Boston. Bodies of patriots were organized everywhere under the name of "Sons of Liberty." The orators also spoke. James Otis, with fiery tongue, appealed to Magna Charta.

Of all the States, Virginia—whose shield bears the image of liberty trampling upon chains—first declared herself by solemn resolutions, which the timid thought "treasonable," but which soon found a response. New York followed. Massachusetts came next, speaking by the pen of the inflexible Samuel Adams. In an address from the Legislature to the Governor, the true grounds of opposition to the stamp act, coincident with the two radical objections to the slave act, are clearly set forth:

"You are pleased to say that the stamp act is an act of Parliament, and as such ought to be observed. This House, sir, has too great reverence for the supreme legislature of the nation to *question its just authority*. It by no means appertains to us to presume to adjust the boundaries of the *power* of Parliament; *but boundaries there undoubtedly are*. We hope we may, without offense, put your Excellency in mind of that most grievous sentence of excommunication solemnly denounced by the Church in the name of the sacred Trinity, in the presence of King Henry the Third and the estates of the realm, *against all those who should make statutes OR OBSERVE THEM, BEING MADE, contrary to the liberties of Magna Charta*. The charter of this province invests the gen-

eral assembly with the *power* of making laws for its internal government and taxation; and this charter has never been forfeited. The Parliament has a right to make all laws within the limits of their own constitution." \* \* \* "The people complain that the act vests a single judge of admiralty with a power to try and determine their property in controversy arising from internal concerns, *without a jury*, contrary to the very expression of Magna Charta, that no freeman shall be amerced, but by the oath of good and lawful men of the vicinage." \* \* \* "We deeply regret that the Parliament has seen fit to pass such an act as the stamp act; we flatter ourselves that the hardships of it will shortly appear to them in such a light as shall induce them in their wisdom to repeal it; *in the meantime, we must beg your Excellency to excuse us from doing anything to assist in the execution of it.*"

Thus in those days spoke Massachusetts! The parallel still proceeds. The unconstitutional stamp act was welcomed in the colonies by the Tories of that day precisely as the unconstitutional slave act has been welcomed by large and imperious numbers among us. Hutchinson, at that time Lieutenant-Governor and Judge in Massachusetts, wrote to ministers in England: "The stamp act is received with as much decency as could be expected. It leaves no room for evasion, and will execute itself." Like the judges of our day, in charges to grand juries, he resolutely vindicated the act, and admonished "the jurors and the people" to obey. Like governors of our day, Bernard, in his speech to the Legislature of Massachusetts, demanded unreasoning submission. "I shall not," says this British governor, "enter into any disquisition of the policy of this act. I have only to say it is an act of the Parliament of Great Britain; and I trust that the supremacy of that parliament over all the members of their wide and diffused empire never was and never will be denied within these walls." Like marshals of our day, the officers of the customs made "application for a military force to assist them in the execution of their duty." The military were against the people. A British major of artillery at New York exclaimed in tones not unlike those now sometimes heard: "I will cram the stamps down their throats with the end of my sword." The elaborate answer of Massachusetts

—a paper of historic grandeur—drawn by Samuel Adams, was pronounced “the ravings of a parcel of wild enthusiasts.”

Thus in those days spoke the partisans of the stamp act. But their weakness soon became manifest. In the face of an awakened community, where discussion has free scope, no men, though surrounded by office and wealth, can long sustain injustice. Earth, water, nature, they may subdue; but truth they cannot subdue. Subtle and mighty, against all efforts and devices, it fills every region of light with its majestic presence. The stamp act was discussed and understood. Its violation of constitutional rights was exposed. By resolutions of legislatures and out of town meetings, by speeches and writings, by public assemblies and processions, the country was rallied in peaceful phalanx *against the execution of the act*. To this great object, within the bounds of law and the Constitution, were bent all the patriot energies of the land.

And here Boston took the lead. Her records at this time are full of proud memorials. In formal instructions to her representatives, adopted unanimously, “having been read several times” in town meeting at Faneuil Hall, the following rule of conduct was prescribed:

“We, therefore, think it our indispensable duty, in justice to ourselves and posterity, as it is our undoubted privilege, in the most open and unreserved, but decent and respectful terms, to declare our great dissatisfaction with this law. *And we think it incumbent upon you by no means to join in any public measures for countenancing and assisting in the execution of the same.* But to use your best endeavors in the general assembly to have the inherent inalienable rights of the people of this province asserted and vindicated, and left upon the public record, that posterity may never have reason to charge the present times with the guilt of tamely giving them away.”

Virginia responded to Boston. Many of her justices of the peace surrendered their commissions “rather than aid in the enforcement of the law, or be instrumental in the overthrow of their country’s liberties.”

As the opposition deepened, its natural tendency was to outbreak and violence. But this

was carefully restrained. On one occasion in Boston it showed itself in the lawlessness of a mob. But the town, at a public meeting in Faneuil Hall, called without delay on the motion of the opponents of the stamp act, with James Otis as chairman, condemned the outrage. Eager in hostility to the execution of the act, Boston cherished municipal order, and constantly discountenanced all tumult, violence, and illegal proceedings. Her equal devotion to these two objects drew the praises and congratulations of other towns. In reply, March 27, 1776, to an address from the inhabitants of Plymouth, her own consciousness of duty done is thus expressed:

“If the inhabitants of Boston have taken *the legal and warrantable measures to prevent that misfortune of all others the most to be dreaded, the execution of the stamp act*, and as a necessary means of preventing it have made any spirited applications for opening the custom-house and courts of justice; if, *at the same time, they have borne their testimony against outrageous tumults and illegal proceedings*, and given any example of the love of peace and good order, next to the consciousness of having done their duty is the satisfaction of meeting with the approbation of their fellow countrymen.”

Learn now from the diary of John Adams the results of this system:

“The year 1765 has been the most remarkable year of my life. That enormous engine, fabricated by the British Parliament, for battering down all the rights and liberties of America—I mean the stamp act—has raised and spread through the whole continent a spirit that will be recorded to our honor with all future generations. In every colony, from Georgia to New Hampshire inclusive, the stamp distributors and inspectors have been compelled by the unconquerable rage of the people to renounce their offices. Such and so universal has been the resentment of the people, that every man who has dared to speak in favor of the stamps, or to soften the detestation in which they are held, how great soever his abilities and virtues had been esteemed before, or whatever his fortune, connections, and influence had been, has been seen to sink into universal contempt and ignominy.”

The stamp act became a dead letter. At the meeting of Parliament numerous petitions were presented, calling for its instant repeal. Franklin, at that time in England, while giving his famous testimony before the House of Commons, was asked whether he thought the people of America would submit to this act if

modified. His brief, emphatic response was: "No, never, unless compelled by force of arms." Chatham, yet weak with disease, but mighty in eloquence, exclaimed in ever-memorable words: "We are told America is obstinate—America is almost in open rebellion. Sir, *I rejoice that America has resisted*. Three millions of people, so dead to all the feelings of liberty as voluntarily to submit to be slaves, would have been fit instruments to make slaves of all the rest. The Americans have been wronged; they have been driven to madness. I will beg leave to tell the House in a few words what is really my opinion. *It is that the stamp act be repealed, absolutely, totally, and immediately.*" It was repealed. Within less than a year from its original passage, denounced and discredited, it was driven from the statute book. In the charnel-house of history, with the unclean things of the past, it now rots. Thither the slave act is destined to follow.

Sir, regarding the stamp act candidly and cautiously, free from the animosities of the time, it is impossible not to see that, though gravely unconstitutional, it was at most an infringement of *civil* liberty only, not of *personal* liberty. There was an unjust tax of a few pence, with the chances of amercements by a single judge without a jury; but by no provision of this act was the *personal* liberty of any man assailed. Under it no freeman could be seized as a slave. Such an act, though justly obnoxious to every lover of constitutional liberty, cannot be viewed with the feelings of repugnance enkindled by a statute which assails the personal liberty of every man, and under which any freeman may be seized as a slave. Sir, in placing the stamp act by the side of the slave act, I do injustice to that emanation of British tyranny. Both, indeed, infringe important rights; one of property; the other the vital rights of all, which is to other rights as the soul to the body—the *right of a man to himself*. Both are condemned; but their relative condemnation must be measured

by their relative characters. As freedom is more than property; as man is above the dollar that he earns; as heaven, to which we all aspire, is higher than the earth, where every accumulation of wealth must remain, so are the rights assailed by an American Congress higher than those once assailed by the British Parliament. And just in this degree must history condemn the slave act more than the stamp act.

Sir, I might here stop. It is enough in this place, and on this occasion, to show the unconstitutionality of this enactment. Your duty commences at once. All legislation hostile to the fundamental law of the land should be repealed without delay. But the argument is not yet exhausted. Even if this act could claim any validity or apology under the Constitution, which it cannot, *it lacks that essential support in the public conscience of the States, where it is to be enforced, which is the life of all law, and without which any law must become a dead letter.*

The Senator from South Carolina [MR. BUTLER] was right, when, at the beginning of the session, he pointedly said that a law which could be enforced by the bayonet was no law. Sir, it is idle to suppose that an act of Congress becomes effective, merely by compliance with the forms of legislation. Something more is necessary. The act must be in harmony with the prevailing public sentiment of the community upon which it bears. Of course, I do not suggest that the cordial support of every man or of every small locality is necessary; but I do mean that the public feelings, the public conscience must not be touched, wounded, lacerated, by every endeavor to enforce it. With all these it must be so far in harmony that, like other laws, by which property, liberty, and life, are guarded, it may be administered by the ordinary process of the courts, without jeopardizing the public peace, or shocking good men. If this be true as a general rule—if the public support and sympathy be essential to the life of all law, this is especially the case in an enactment

which concerns the important and sensitive rights of personal liberty. In conformity with this principle the Legislature of Massachusetts, by formal resolution, in 1850, with singular unanimity, declared:

"We hold it to be the duty of Congress to pass such laws only in regard thereto as will be maintained by the sentiments of the free States, where such laws are to be enforced."

The duty of consulting these sentiments was recognized by Washington. While President of the United States, at the close of his administration, he sought to recover a slave who had fled to New Hampshire. His autograph letter to Mr. Whipple, the collector of Portsmouth, dated at Philadelphia, 28th November, 1796, which I now hold in my hand, and which has never before seen the light, after describing the fugitive, and particularly expressing the desire of "her mistress," Mrs. Washington, for her return, employs the following decisive language:

"I do not mean, however, by this request, that such violent measures should be used AS WOULD EXCITE A MOB OR RIOT, WHICH MIGHT BE THE CASE IF SHE HAS ADHERENTS, OR UNEASY SENSATIONS IN THE MINDS OF WELL-DISPOSED CITIZENS. Rather than either of these should happen, I would forego her services altogether; and the example also, which is of infinite more importance.

GEORGE WASHINGTON."

Mr. Whipple, in his reply, dated at Portsmouth, December 22, 1796, an autograph copy of which I have, recognizes the rule of Washington:

"I will now, sir, agreeably to your desire, send her to Alexandria, *if it be practicable without the consequences which you except—that of exciting a riot or a mob, or creating uneasy sensations in the minds of well-disposed persons.* The first cannot be calculated beforehand; it will be governed by the popular opinion of the moment, or the circumstances that may arise in the transaction. The latter may be sought into and judged of by conversing with such persons without discovering the occasion. So far as I have had opportunity, I perceive that different sentiments are entertained on this subject."

The fugitive never was returned; but lived in freedom to a good old age, down to a very recent period, a monument of the just forbearance of him whom we aptly call the father of his country. It is true that he sought her re-

turn. This we must regret, and its apology. He was at that time a slaveholder. Though often with various degrees of force, expressing himself against slavery, and promising his suffrage for its abolition, he did not see this wrong as he saw it at the close of life, in the illumination of another sphere. From this act of Washington, still swayed by the policy of the world, I appeal to Washington writing his will. From Washington on earth I appeal to Washington in heaven. Seek not by his name to justify any such effort. His death is above his life. His last testament cancels his authority as a slaveholder. However he may have appeared before man, he came into the presence of God only as the liberator of his slaves. Grateful for this example, I am grateful also, that, while a slaveholder, and seeking the return of a fugitive, he has left in permanent record a rule of conduct which, if adopted by his country, will make slave-hunting impossible. The chances of a riot or mob, or "even uneasy sensations among well-disposed persons," are to prevent any such pursuit.

Sir, the existing slave act cannot be enforced without violating the precepts of Washington. Not merely "uneasy sensations of well disposed persons," but rage, tumult, commotion, mob, riot, violence, death, gush from its fatal overflowing fountains:

—hoc fonte derivata clades

In patriam populumque fluxit.

Not a case occurs without endangering the public peace. Workmen are brutally dragged from employments to which they are wedded by years of successful labor; husbands are ravished from wives, and parents from children. Everywhere there is disturbance; at Detroit, Buffalo, Harrisburg, Syracuse, Philadelphia, New York, Boston. At Buffalo the fugitive was cruelly knocked by a log of wood against a red-hot stove, and his mock trial commenced while the blood still oozed from his wounded

head. At Syracuse, he was rescued by a sudden mob; so also at Boston. At Harrisburg, the fugitive was shot; at Christiana, the slave-hunter was shot. At New York, unprecedented excitement, always with uncertain consequences, has attended every case. Agam at Boston, a fugitive, according to the received report, was first basely seized under pretext that he was a criminal; arrested only after a deadly struggle; guarded by officers who acted in violation of the laws of the State; tried in a court house, surrounded by chains, contrary to the common law; finally surrendered to slavery, by trampling on the criminal process of the State, under an escort in violation again of the laws of the State, while the pulpits trembled, and the whole people, not merely "uneasy," but swelling with ill-suppressed indignation, for the sake of order and tranquility, without violence witnessed the shameful catastrophe.

With every attempt to administer the slave act, it constantly becomes more revolting, particularly in its influence on the agents it enlists. Pitch cannot be touched without defilement, and all who lend themselves to this work, seem at once, and unconsciously, to lose the better part of man. The spirit of the law passes into them, as the devils entered the swine. Upstart commissioners, the mere mushrooms of courts, vie and revie with each other. Now by indecent speed, now by harshness of manner, now by a denial of evidence, now by crippling the defence, and now by open, glaring wrong, they make the odious act yet more odious. Clemency, grace, and justice die in its presence. All this is observed by the world. Not a case occurs which does not harrow the souls of good men, and bring tears of sympathy to the eyes, also those other tears which "patriots shed o'er dying laws."

Sir, I shall speak frankly. If there be an exception to this feeling, it will be found chiefly with a peculiar class. It is a sorry fact that the "mercantile interest," in its unpardonable sel-

fishness, twice in English history, frowned upon the endeavors to suppress the atrocity of Algerine slavery; that it sought to baffle Wilberforce's great effort for the abolition of the African slave trade; and that, by a sordid compromise, at the formation of our Constitution, it exempted the same detested, heaven-defying traffic from American judgment. And now representatives of this "interest," forgetful that commerce is the child of freedom, join in hunting the slave. But the great heart of the people recoils from this enactment. It palpitates for the fugitive, and rejoices in his escape. Sir, I am telling you facts. The literature of the age is all on his side. The songs, more potent than laws, are for him. The poets, with voices of melody, are for freedom. Who could sing for slavery? They who make the permanent opinion of the country, who mould our youth, whose words, dropped into the soul, are the germs of character, supplicate for the slave. And now, sir, behold a new and heavenly ally. A woman, inspired by Christian genius, enters the lists, like another Joan of Arc, and with marvelous power sweeps the chords of the popular heart. Now melting tears, and now inspiring to rage, her work everywhere touches the conscience, and makes the slave-hunter more hateful. In a brief period, nearly 100,000 copies of *Uncle Tom's Cabin* have been already circulated. But this extraordinary and sudden success—surpassing all other instances in the records of literature—cannot be regarded merely as the triumph of genius. Higher far than this, it is the testimony of the people, by an unprecedented act, against the fugitive slave bill.

These things I dwell upon as the incentives and tokens of an existing public sentiment, which renders this act practically inoperative, except as a tremendous engine of terror. Sir, the sentiment is just. Even in the lands of slavery, the slave-trader is loathed as an ignoble character, from whom the countenance is turned

away; and can the slave-hunter be more regarded while pursuing his prey in a land of freedom? In early Europe, in barbarous days, while slavery prevailed, a hunting master, *nach jagender Herr*, as the Germans called him, was held in aversion. Nor was this all. The fugitive was welcomed in the cities, and protected against the pursuit. Sometimes vengeance awaited the hunter. Down to this day, at Revel, now a Russian city, a sword is proudly preserved with which a hunting baron was beheaded, who, in violation of the municipal rights of this place, seized a fugitive slave. Hostile to this act as our public sentiment may be, it exhibits no trophy like this. The State laws of Massachusetts have been violated in the seizure of a fugitive slave; but no sword, like that of Revel, now hangs at Boston.

I have said, sir, that this sentiment is just. And is it not? Every escape from slavery necessarily and instinctively awakens the regard of all who love freedom. The endeavor, though unsuccessful, reveals courage, manhood, character. No story is read with more interest than that of our own Lafayette, when, aided by a gallant South Carolinian, in defiance of a despotic ordinance of Austria, kindred to our slave act, he strove to escape from the bondage of Olmutz. Literature pauses with exultation over the struggles of Cervantes, the great Spaniard, while a slave in Algiers, to regain the liberty for which he says, in his immortal work, "We ought to risk life itself, slavery being the greatest evil that can fall to the lot of man." Science, in all her manifold triumphs, throbs with pride and delight that Arago, the astronomer and philosopher—devoted Republican also—was redeemed from barbarous slavery to become one of her greatest sons. Religion rejoices serenely, with joy unspeakable, in the final escape of Vincent de Paul. Exposed in the public square of Tunis to the inspection of the traffickers in human flesh, this illustrious Frenchman was subjected to every vileness of treatment; like a

horse, compelled to open his mouth to show his teeth, to trot, to run, to exhibit his strength in lifting burthens, and then, like a horse, legally sold in market overt. Passing from master to master, after a protracted servitude, he achieved his freedom, and, regaining France, commenced that resplendent career of charity by which he is placed among the great names of Christendom. Princes and orators have lavished panegyrics upon this fugitive slave; and the Catholic Church, in homage to his extraordinary virtues, has introduced him into the company of saints.

Less by genius or eminent services, than by sufferings, are the fugitive slaves of our country now commended. For them every sentiment of humanity is aroused:

—"Who could refrain  
That had a heart to love, and in that heart  
Courage to make his love known?"

Rude and ignorant they may be; but in their very efforts for freedom, they claim kindred with all that is noble in the past. They are among the heroes of our age. Romance has no stories of more thrilling interest than theirs. Classical antiquity has preserved no examples of adventurous trial more worthy of renown. Among them are men whose names will be treasured in the annals of their race. By the eloquent voice they have already done much to make their wrongs known, and to secure the respect of the world. History will soon lend them her avenging pen. Proscribed by you during life, they will proscribe you through all time. Sir, already judgment is beginning. A righteous public sentiment palsies your enactment.

And now, sir, let us review the field over which we have passed. We have seen that any compromise, finally closing the discussion of slavery under the Constitution, is tyrannical, absurd, and impotent; that, as slavery can exist only by virtue of positive law, and as it has no such positive support in the Constitution, it cannot exist within the national jurisdiction;

that the Constitution nowhere recognizes property in man, and that, according to its true interpretation, freedom and not slavery is national, while slavery and not freedom is sectional; that, in this spirit, the national government was first organized under Washington, himself an Abolitionist, surrounded by Abolitionists, while the whole country, by its church, its colleges, its literature, and all its best voices, was united against slavery, and the national flag at that time nowhere within the national territory covered a single slave; still further, that the national government is a government of delegated powers, and as among these there is no power to support slavery, this institution cannot be national, nor can Congress in any way legislate in its behalf; and, finally, that the establishment of this principle is the true way of peace and safety for the Republic. Considering next the provision for the surrender of fugitives from labor, we have seen that it was not one of the original compromises of the Constitution; that it was introduced tardily and with hesitation, and adopted with little discussion, and then, and for a long period after, was regarded with comparative indifference; that the recent slave act, though many times unconstitutional, is especially so on two grounds—*first*, as a usurpation by Congress of powers not granted by the Constitution, and the infraction of rights secured to the States; and, *second*, as a denial of trial by jury, in a question of personal liberty, and a suit at common law; that its glaring unconstitutionality finds a prototype in the British stamp act, which our fathers refused to obey as unconstitutional on two parallel grounds—*first*, because it was a usurpation by Parliament of powers not belonging to it under the British Constitution, and an infraction of rights belonging to the colonies; and, *second*, because it was a denial of trial by jury in certain cases of property; that, as liberty is far above property, so is the outrage perpetrated by the American Congress far above that perpetrated by the British Parliament; and,

finally, that the slave act has not that support in the public sentiment of the States where it is to be executed, which is the life of all law, and which prudence and the precept of Washington require.

Sir, thus far I have arrayed the objections to this act, and the false interpretations out of which it has sprung. But, I am asked, what I offer as a substitute for the legislation which I denounce. Freely I will answer. It is to be found in correct appreciation of the provision of the Constitution, under which this discussion occurs. Look at it in the double light of reason and of freedom, and we cannot mistake the exact extent of its requirement. Here is the provision:

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

From the very language employed, it is obvious that this is merely a *compact* between the States, with a *prohibition* on the States, *confering no power on the nation*. In its natural signification it is a compact. According to the examples of other countries, and the principles of jurisprudence, it is a compact. All arrangements for the extradition of fugitives have been customarily compacts. Except under the express obligations of treaty, no nation is bound to surrender fugitives. Especially has this been the case with fugitives for freedom. In mediæval Europe, cities refused to recognize this obligation in favor of persons even under the same national government. In 1531, while the Netherlands and Spain were united under Charles V., the supreme council of Mechlin rejected an application from Spain for the surrender of a fugitive slave. By express compact alone could this be secured. But the provision of the Constitution was borrowed from the ordinance of the Northwestern Territory, which is expressly declared to be a compact; and this ordi-



nance, finally drawn by Nathan Dane, was again borrowed in its distinctive features from the early institutions of Massachusetts, among which, as far back as 1643, was a compact of like nature with other New England States. Thus this provision is a compact in language, in nature, in its whole history; as we have already seen, it is a compact, according to the intentions of our fathers, and the genius of our institutions.

As a compact its execution depends absolutely upon the States, without any intervention of the nation. *Each State, in the exercise of its own judgment, will determine for itself the precise extent of the obligations assumed.* As a compact in derogation of freedom, it must be construed strictly in every respect—leaning always in favor of freedom, and shunning any meaning, not clearly obvious, which takes away important personal rights; mindful that the parties to whom it is applicable are regarded as “persons,” of course with all the rights of “persons” under the Constitution; and especially mindful of the vigorous maxim of the common law, that he is cruel and impious who does not always favor freedom. With this key the true interpretation is natural and easy.

Briefly, the States are prohibited from any “law or regulation” by which the fugitive may be discharged, and on the establishment of the claim to his services, he is to be delivered up. But the mode by which the claim is to be tried and determined is not specified. All this is obviously within the control of each State. It may be done by virtue of express legislation, in which event any legislature, justly careful of personal liberty, would surround the fugitive with every shield of the law and Constitution. But such legislation may not be necessary. The whole proceeding, without any express legislation, may be left to the ancient and authentic forms of the common law, familiar to the framers of the Constitution, and ample for the occasion. If the fugitive be seized without process, he will be entitled at once to his

writ *de homine replegiando*, while the master, resorting to process, may find his remedy in the writ *de nativo habendo*—each writ requiring trial by jury. If, from ignorance or lack of employment, these processes have slumbered in our country, still they belong to the great arsenal of the common law, and continue like other ancient writs, *tanquam gladium in vagina*, ready to be employed at the first necessity. They belong to the safeguards of the citizen. But in any event and in either alternative, the proceedings would be by “suit at common law,” with trial by jury; and it would be the solemn duty of the court, according to all the forms and proper delays of the common law, to try the case on the evidence; strictly to apply all the protecting rules of evidence, and especially to require stringent proof, by competent witnesses under cross-examination, that the person claimed was *held* to service; that his service was *due* to the claimant; that he had *escaped* from the State where such service was due; and also proof of the *laws* of the State under which he was held. *Still further, to the courts of each State must belong the determination of the question, to what classes of persons, according to just rules of interpretation, the phrase “persons held to service or labor” is strictly applicable.*

Such is this much-debated provision. The slave States, at the formation of the Constitution, did not propose, as in the cases of naturalization and bankruptcy, to empower the national government *to establish a uniform rule* for the rendition of fugitives from labor, *throughout the United States*; they did not ask the national government to charge itself in any way with this service; they did not venture to offend the country, and particularly the Northern States, by any such assertion of a hateful right. They were content, under the sanctions of compact, to leave it to the public sentiment of the States. There, I insist, it shall remain.

Mr. President, I have occupied much time; but the great subject still stretches before us.

One other point yet remains, which I should not leave untouched, and which justly belongs to the close. The slave act violates the Constitution, and shocks the public conscience. With modesty, and yet with firmness, let me add, sir, it offends against the divine law. No such enactment can be entitled to support. As the throne of God is above every earthly throne, so are his laws and statutes above all the laws and statutes of man. To question these is to question God himself. But to assume that human laws are beyond question, is to claim for their fallible authors infallibility. To assume that they are always in conformity with those of God, is presumptuously and impiously to exalt man to an equality with God. Clearly, human laws are not in such conformity; nor can they ever be beyond question from each individual. Where the conflict is open, as, if Congress should command the perpetuation of murder, the office of conscience as final arbiter is undisputed. But in every conflict the same queenly office is hers. By no earthly power can she be dethroned. Each person after anxious examination, without haste, without passion, solemnly for himself must decide this great controversy. Any other rule attributes infallibility to human laws, places them beyond any question, and degrades all men to an unthinking passive obedience.

According to St. Augustine, an unjust law does not appear to be a law; *lex esse non videtur quæ justa non fuerit*; and the great fathers of the church, while adopting these words, declare openly that unjust laws are not binding. Sometimes they are called "abuses," and not laws; sometimes "violences," and not laws. And here again the conscience of each person is the final arbiter. But this lofty principle is not confined to the church. A master of philosophy in early Europe, a name of intellectual renown, and one that will always live in history, the eloquent Abelard, in Latin verses addressed to his son, has clearly expressed the universal injunction:

Jussa potestatis terrenæ discutienda  
Cœlestis tibi mox perficienda scias,  
Siquis divinis jubeat contraria jussis  
Te contra Dominum pactio nulla trahat.

The mandates of an earthly yower may be discussed; those of Heaven must at once be performed; nor can any agreement constrain us against God. Such is the rule of mortals. Such also, by the lips of judges and sages, has been the proud declaration of the English law, whence our own is derived. In this conviction patriots have fearlessly braved unjust commands, and martyrs have died.

And now, sir, the rule is commended to us. The good citizen, as he thinks of the shivering fugitive, guilty of no crime, pursued, hunted down like a beast, while praying for Christian help and deliverance, and, as he reads the requirements of this act, is filled with horror. Here is a despotic mandate, "to aid and assist in the prompt and efficient execution of this law." Again let me speak frankly. Not rashly would I set myself against any provision of law. This grave responsibility I would not lightly assume. But here the path of duty is clear. By the supreme law, which commands me to do no injustice; by the comprehensive Christian law of brotherhood; *by the Constitution, which I have sworn to support*—I AM BOUND TO DISOBEY THIS ACT. Never, in any capacity, can I render voluntary aid to its execution. Pains and penalties I will endure; but this great wrong I will not do. "I cannot obey; but I can suffer," was the exclamation of the author of Pilgrim's Progress, when imprisoned for disobedience to an earthly statute. Better suffer injustice than do it. Better be the victim than the instrument of wrong. Better be even, the poor slave, returning to bondage, than the unhappy commissioner.

This is, sir, an incident of history, which suggests a parallel, and affords a lesson of fidelity. Under the triumphant exertions of that Apostolic Jesuit, St. Francis Xavier, large numbers of the Japanese, amounting to as many as two hundred thousand—among their princes, gener-

als, and the flower of the nobility—were converted to Christianity. Afterward, amidst the frenzy of civil war, religious persecution arose, and the penalty of death was denounced against all who refused to trample upon the effigy of the Redeemer. This was the Pagan law of a Pagan land. But the delighted historian records that scarcely one from the multitudes of converts was guilty of this apostacy. The law of man was set at naught. Imprisonment, torture, death, were preferred. Thus did this people refuse to trample on the painted image. Sir, multitudes among us will not be less steadfast in refusing to trample on the living image of their Redeemer.

Finally, sir, for the sake of peace and tranquillity, cease to shock the public conscience; for the sake of the Constitution, cease to exercise

a power which is nowhere granted, and which violates inviolable rights, expressly secured. Leave this question where it was left by our fathers, at the formation of our national government, in the absolute control of the States, the appointed guardians of personal liberty. Repeal this enactment. Let its terrors no longer rage through the land. Mindful of the lowly whom it pursues; mindful of the good men perplexed by its requirements; in the name of charity, in the name of the Constitution, repeal this enactment, totally and without delay. Be inspired by the example of Washington. Be admonished by those words of Oriental piety—"Beware of the groans of the wounded souls. Oppress not to the utmost a single heart; for a solitary sigh has power to upset a whole world."








CLEMENT L. VALLANDIGHAM.

ENGRAVED FOR ORATORS AND ORATORY, FAIRBANKS, PALMER & CO., PUBLISHERS.

## CLEMENT L. VALLANDIGHAM.

LEMENT L. VALLANDIGHAM was born in Ohio in 1820. He was educated at Jefferson College, and spent some two years teaching in Maryland, acting as principal of an academy.

He applied himself to the study of law, and was admitted to the bar in 1842. After devoting three years to the practice of his profession, he was elected to the State Legislature, where he served during the years 1845 and 1846.

He was editor of "The Inquirer," a paper published at Dayton, from 1847 to 1849. In 1857 he was elected to represent his district in Congress, and by re-election served until 1863. After the commencement of the war, he was a bitter and outspoken enemy to the government, and, in every way possible, gave comfort and encouragement to the Confederate cause. He was particularly busy in laboring to excite a feeling of distrust in those in power, and of opposition to the conduct of the war. Both in the halls of Congress, and at his home in Ohio, he was the same open and avowed opponent. In 1863 General Burnside, who commanded the mil-

itary district which included Ohio, issued an order prohibiting all disloyal speeches or publications. Mr. Vallandigham disregarded this order, and his public speeches and expressions became more bitter than ever.

He was arrested, tried before a court martial, and sentenced to imprisonment during the war. The sentence was changed by President Lincoln, to being sent within the Confederate lines. He escaped from the South, and made his way to Canada, where he remained for some time. After his exile, the peace Democrats of Ohio nominated him as their candidate for governor, but he was defeated by one hundred thousand majority. In 1864 he was a delegate to the Democratic National Convention at Chicago, which nominated General McClellan for the Presidency, and declared the war a failure. Mr. Vallandigham died from the effects of an accidental discharge of a pistol in his own hands, on the 17th of June, 1871. He was a man of good natural ability, and might have been of great help to his country, had he remained loyal to her in the hour of trial.

## SLAVERY.

*Mr. Vallandigham's Speech, delivered October 20, 1855.*

Slavery, gentlemen, older in other countries, also, than the records of human society, existed in America at the date of its discovery. The first slaves of the European were natives of the soil; and a Puritan governor of Massachusetts, founder of the family of Winthrop, bequeathed his soul to God, and his Indian slaves to the lawful heirs of his body. Negro slavery was introduced into Hispaniola in 1501; more than a century before the colonization of America by the English. Massachusetts, by express enactment in 1641, punishing "manstealing" with death—and it is so punished to this day, under the laws of the United States—legalized yet the enslaving of captives taken in war, and of such "strangers," *foreigners*, as should be acquired by purchase; while confederate New England, two years later, providing for the equitable division of lands, goods and "*persons*," as equally a part of the "spoils" of war, enacted also the first fugitive slave law in America. White slaves—convicts and paupers, some of them; others at a later day, prisoners, taken at the battles of Dunbar and Worcester, and of Sedgemoor—were, at the first, employed in Virginia, and the British West Indies. Bought in England by English dealers, among whom was the queen of James II., with many of his nobles and courtiers, some of them, perhaps, of the house of Sutherland, they were imported and sold at auction to the highest bidder. In 1620, a Dutch man-of-war first landed a cargo of slaves upon the banks of James River. But the earliest slave ship, belonging to English colonists, was fitted out in 1645 by a member of the Puritan church of Boston. Fostered still by English princes and nobles; confirmed and cherished by

British legislation and judicial decisions, even against the wishes, and in spite of the remonstrances of the colonies, the traffic increased; slaves multiplied, and on the Fourth of July, 1776, every colony was now become a slave State; and the sun went down that day upon four hundred and fifty thousand of those who, in the cant of eighty years later, are styled "human chattels," but who were not by the act of that day emancipated.

Eleven years afterward, delegates assembled at Philadelphia, from every State except Rhode Island, ignoring the question of the sinfulness and immorality of slavery, as a subject with which they, as the representatives of separate and independent States, had no concern, founded a union, and framed a constitution, which, leaving with each State the exclusive control and regulation of its own domestic institutions, and providing for the taxation and representation of slaves, gave no right to Congress to debate, or to legislate, concerning slavery in the States or Territories, except for the interdiction of the slave trade, and the extradition of fugitive slaves. The plan of union proposed by Franklin in 1754, had contained no allusion even to slavery; and the articles of confederation of 1778, but a simple recognition of its existence—so wholly was it regarded then, a domestic and local concern. In 1787, every State, except perhaps Massachusetts, tolerated slavery, either absolutely or conditionally. But the number of slaves north of Maryland, never great, was even yet comparatively small; not exceeding forty thousand in a total slave population of six hundred thousand. In the North, chief carrier of slaves to others, even as late as 1807, slavery

never took firm root. Nature warred against it in that latitude; otherwise, every State in the Union would have been a slaveholding State to this day. It was not profitable there, and it died out; lingering, indeed, in New York till July, 1827. It died out; but not so much by the manumission of slaves, as by their transportation and sale in the South; and thus New England, sir, turned an honest penny with her left hand, and with her right modestly wrote herself down in history as both generous and just.

In the South, gentlemen, all this was precisely reversed. The earliest and most resolute enemies to slavery, were Southern men. But climate had fastened the institution upon them; and they found no way to strike it down. From the beginning, indeed, the Southern colonies especially had resisted the introduction of African slaves; and at the very outset of the Revolution, Virginia and North Carolina interdicted the slave trade. The Continental Congress soon after, on the 6th of April, 1776, three months earlier than the Declaration of Independence, resolved that no more slaves ought to be imported into the thirteen colonies. Jefferson, in his draught of the Declaration, had denounced the King of England, alike for encouraging the slave trade, and for fomenting servile insurrection in the provinces. Ten years later, he boldly attacked slavery in his "Notes on Virginia;" and in the Congress of the confederation, *prior to the adoption of the Constitution, with its solemn compacts and compromises upon the subject of slavery*, proposed to exclude it from the territory northwest the river Ohio. Colonel Mason, of Virginia, vehemently condemned it, in the convention of 1787. Nevertheless, it had already become manifest that slavery must soon die away in the North, but in the South continue and harden into perhaps a permanent, ineradicable system. Hostile interests and jealousies sprang up, therefore, in bitterness even in the convention. But the

blood of the patriot brothers of Carolina and Massachusetts smoked yet upon the battlefields of the Revolution. The recollection of their kindred language, and common dangers and sufferings, burned still fresh in their hearts. Patriotism proved more powerful than jealousy, and good sense stronger than fanaticism. There were no Searsons, no Hales, no Sumners, no Greeleys, no Parkers, no Chases, in that convention. There was a *Wilson*; but he rejoiced not in the name of *Henry*; and he was a Scotchman. There was a clergyman—no, not in the convention of 1787, but in the Congress of 1776; but it was the devout, and learned, the pious, the patriotic Witherspoon; of foreign birth, also, a native of Scotland, too. The men of that day and generation, sir, were content to leave the question of slavery just where it belonged. It did not occur to them, that each one among them was accountable for "the sin of slaveholding" in his fellow; and that to ease his tender conscience of the burden, all the fruits of revolutionary privation, and blood, and treasure; all the recollections of the past; all the hopes of the future; nay, the Union, and with it domestic tranquility and national independence, ought to be offered up as a sacrifice. They were content to deal with political questions; and to leave cases of conscience to the church and the schools, or to the individual man. And accordingly, to this Union and Constitution, based upon these compromises—execrated now as "covenants with death, and leagues with hell"—every State acceded; and upon these foundations, the broad, and deep, and stable, a political superstructure has, as if by magic, arisen, which, in symmetry and proportion—and, if we would but be true to our trust, in strength and durability—finds no parallel in the world's history.

Patriotic sentiments, sir, such as marked the era of 1789, continued to guide the statesmen and people of the country for more than thirty years, full of prosperity; till, in a dead political



calm, consequent upon temporary extinguishment of the ancient party lines and issues, the *MISSOURI QUESTION* resounded through the land, with the hollow moan of the earthquake, and shook the pillars of the Republic even to their deep foundations.

Within these thirty years, gentlemen, slavery as a system had been abolished by law or disuse; quietly, and without agitation, in every State north of Mason and Dixon's line—in many of them lingering, indeed, in individual cases, so late as the census of 1840. But, except in half a score of instances, the question had not been obtruded upon Congress. The fugitive slave act of 1793 had been passed without opposition, and without a division, in the Senate; and, by a vote of forty-eight to seven, in the House. The slave trade had been declared piracy, punishable with death. Respectful petitions from the Quakers of Pennsylvania, and others, upon the slavery question, were referred to a committee, and a report made thereon, which laid the matter at rest. Other petitions afterward were quietly rejected, and, in one instance, returned to the petitioner. Louisiana and Florida, both slaveholding countries, had, without agitation, been added to our territory. Kentucky, Tennessee, Louisiana, Mississippi, and Alabama, slave States each one of them, had been admitted into the Union without a murmur. No Missouri restriction, no Wilmot proviso had as yet reached its discordant front to terrify and confound. *NON-INTERVENTION* was then both the practice and the doctrine of the statesmen and people of that period; though, as yet, no hollow platform enunciated it as an article of faith, from which, nevertheless, obedience might be withheld, and the platform "spit upon," provided the tender conscience of the recusant did not forbid him to support the candidate, and help to secure the "spoils."

I know, sir, that it is easy, very easy, to denounce all this as a defence of slavery itself. Be

it so; be it so. But I have not discussed the institution in any respect; moral, religious, or political. Hear me. I express no opinion in regard to it; and, as a citizen of the North, I have ever refused, and will steadily refuse, to discuss the system in any of these particulars. It is precisely this continued and persistent discussion and denunciation in the North, which has brought upon us this present most perilous crisis; since, to teach men to hate, is to prepare them to destroy, at every hazard, the object of their hatred. Sir, I am resolved truly to look upon slavery outside of Ohio, just as the founders of the Constitution and the Union regarded it. It is no concern of mine; none, none; nor of yours, Abolitionist. Neither of us will attain heaven by denunciations of slavery; nor shall we, I trow, be cast into hell for the sin of others who may hold slaves. I have not so learned the moral government of the universe, nor do I presumptuously and impiously aspire to the attributes of godhead, and seek to bear upon my poor body the iniquities of the world.

I know well, indeed, Mr. President, that in the evil day which has befallen us, all this, and he who utters it, shall be denounced as "proslavery;" and already from ribald throats there comes up the slaverling, driveling, idiotic epithet of "dough face." Again, be it so: These, Abolitionist, are your only weapons of warfare; and I hurl them back defiantly in your teeth. I speak thus boldly, because I speak in and to and for the North. It is time that the truth should be known and heard in this the age of trimming and subterfuge. I speak this day, not as a Northern man, nor a Southern man, but, God be thanked, still as a United States man, with United States principles; and, though the worst happen which can happen—though all be lost—if that shall be my fate, and I walk through the valley of the shadow of political death, I will live by them, and die by them. If, to love my country, to cherish the Union, to revere the Constitution; if, to abhor the madness, and hate

the treason which would lift up a sacrilegious hand against either; if, to read that in the past to behold it in the present, to foresee it in the future of this land, which is of more value to us and the world for ages to come, than all the multiplied millions who have inhabited Africa

from the creation to this day—if this is to be *pro-slavery*, then, in every nerve, fiber, vein, tendon, joint, and ligament, from the topmost hair of the head to the last extremity of the foot, I am, all over and altogether, a PRO-SLAV-ERY MAN.



## EDWARD EVERETT.

**E**DWARD EVERETT was born in Dorchester, near Boston, on the 11th of April, 1794. His preparatory education was received in the Boston schools, and a short term in Exeter Academy.

At the early age of thirteen, he entered as a student at Harvard College, and four years later, in 1811, graduated with honor, having completed his full course. The following year he served as tutor in Harvard, and at the same time prosecuted his studies in theology, preparatory to entering the ministry.

In 1814 he was ordained pastor of the Brattle street Unitarian Church, in Boston, and served as pastor for about one year, when he resigned, on account of having been elected to the professorship of Greek literature in Harvard.

Before entering upon the duties of his professorship, he spent four years in preparatory study in Europe; two years of the time being spent in the University of Gottingen, and the remainder in traveling over England and the Continent, particularly the lands adjacent to Greece, and that small country itself

enjoying a large share of his attention and study. Returning to Boston in 1819, he signalized his entrance upon the duties of his professorship by delivering a brilliant course of lectures on Greece, her history of greatness and ruin, her magnificent architectural works, and rich treasures of literature. For six years he continued to perform the duties of his post with consummate ability. In 1825 he resigned his professorship in Harvard, and took his seat in Congress, where, by re-elections, he continued to serve his district until 1835. During his entire career in Congress he was a prominent member of the Foreign Relations Committee, and was a diligent worker on many others. He strongly antagonized the Indian policy of General Jackson, by which Indians were removed, without their consent, from lands which by treaty had been guaranteed to them. In 1835 he was elected governor of Massachusetts, taking his seat in 1836, and serving by re-election until 1840, when he failed of re-election by but one vote in more than one hundred thousand. In the spring of 1840 he



EDWARD EVERETT

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visited Europe a second time, with the intention of prosecuting long cherished plans for literary work. But in 1841 his country called him from his pleasant retreat in Florence, and asked for his service as its Minister to the Court of St. James, London. The next four years of his life were spent in arduous labors at his new post. Many questions of great importance had to be dealt with and settled, in all of which he acquitted himself with honor, and commanded respect for his country from the English government. In 1845 he returned to America, and was immediately pressed to accept the presidency of Harvard College. In January, 1846, he accepted the trust, and performed the duties of the office until impaired health obliged him to resign at the close of 1848. He retired to private life, and after a season of rest and recuperation entered once more on literary work, preparing a treatise on the law of nations. The death of Daniel Webster caused a vacancy in the Secretaryship of State, to which Mr. Everett was at once nominated. He accepted, and continued in the Cabinet until the close of President Fillmore's term, when he took his seat in the Senate of the United States, to which he had been elected a short time previously.

He held his post in Congress but a single year, when, in obedience to the direction of his physician, he resigned, and retired once more to private life.

From the enjoyment of this privacy he was never called, though in 1860 he was nominated for Vice-President, on the ticket with Mr. Bell.

Mr. Everett was strongly opposed to all anti-slavery agitation, and referring to anti-slavery papers, he said, in his first message to the State Legislature, in 1836: "Whatever, by direct and necessary operation is calculated to excite an insurrection among the slaves, has been held by highly respectable legal authority an offense against the peace of the commonwealth, which may be prosecuted as a misdemeanor at common law."

When the war came, he exercised all his power and influence for the cause of the Union. Mr. Everett is most generally known as a writer and orator. He was for a while, editor of the "North American Review," to which he continued to contribute in after years. One of his most famous lectures, "The Character of Washington," which is published in full in this volume, was delivered in nearly one hundred and twenty different cities of the Union, and yielded a fund of over \$60,000 toward securing Mount Vernon as a national possession.

His life was largely given to public labors, and the volumes of his orations and addresses are a public possession, through which he continues to live. His last address was delivered at a meeting held in Boston in January, 1865. He took cold at this meeting, and died Jan. 15, 1865.

## THE CHARACTER OF WASHINGTON.

*Mr. Everett's Eulogy, first delivered Feb. 22, 1856.*

I am to speak to you this evening, my friends, of the character of Washington, on this, the anniversary of his birthday—a great and glorious theme—but as difficult as it is interesting and important.

When that dark cloud of sorrow fell upon the land on the 14th of December, 1799, in pursuance of the report of a committee, of which Chief-Justice Marshall was chairman—a name of itself enough to give luster to the age in which he lived—it was recommended by Congress to the people of the United States, on the next anniversary of his birthday, “to testify their grief for the death of General George Washington by suitable eulogies, orations, and discourses.” This mournful duty was performed throughout the Union by the most eminent writers and speakers of the day. In this city (Boston) the eulogy was pronounced by one of the most gifted sons of Massachusetts—Fisher Ames. From that time to this the 22d of February has been held in honored remembrance, and has afforded occasions for public discourses on the life and character of Washington in every part of the country. It furnished the subject of an address delivered at the city of Washington, in 1832, by Mr. Webster—the work, I need not say, of a master. At the laying of the corner-stone of the monument at Washington, the same great theme was treated by our fellow-citizen, Mr. Winthrop, at that time Speaker of the House of Representatives, with admirable beauty and power. In these performances, several of which have taken abiding places in the literature of the country, all the topics which form the appropriate materials for a eulogy on Washington—the events of his life (which is but an abstract of

the history of the country while he lived), his political principles, his conduct as a magistrate, his relation to the Constitution of the country, and the general influence of his character on its prosperity—have been discussed in a manner to leave little to be added to or desired. I shall, therefore, in discharging the duty which devolves upon me this evening, not attempt to travel over this ground, except incidentally; but

shall, with your permission, approach the great subject in a different direction. After briefly alluding to the three great eras in his life, in which he appeared before the public of the country in distinct and important characters, I shall offer you some views of the relation of Washington, not merely to the United States, but to the age in which he lived, and then endeavor to point out the true nature, and foundation, and distinctive character of his greatness. Grant me, I pray you, my friends, your candor, your indulgence, and your sympathy.

Washington's first appearance before the country at large—then hardly to be called a country; his first of three visits to Boston—then a town of perhaps eighteen thousand inhabitants—took place just a century ago last February, when he came among us, already the youthful hero of the seven years' war. That war was not formally declared in Europe till the following May, but hostilities had already been carried on for two years on the frontier of the Anglo-American colonies upon this continent. Washington was identified with the struggle from its commencement. If, in tracing back great consummations of affairs to their origin, we should endeavor to fix the very earliest date to the Revolution, the first distinct movement of a military nature in

that series of events which resulted in the establishment of American independence, I should be inclined to place it in the adventurous journey of Major Washington, then a youth of twenty, to the French post at Venango, in what is now the western part of Pennsylvania. When hostilities broke out, two years later, the post of active and efficient duty and of danger devolved upon him. He alone, of all in conspicuous stations—hero of misfortune—escaped with life and honor from the disastrous field of Braddock's defeat, with all the reputation for conduct and courage which others bring home from successful wars. In the morning of his days the great cares of his life were upon him. His pure spirit was early tried in the fires of disaster, and came out like thrice-refined gold from the furnace. Our Governor Shirley had lately been appointed Commander-in-Chief of all the royal forces in British America; and in the month of February, 1756, Colonel Washington, with one or two brother officers, came to Boston to obtain Shirley's decision on a question of precedence between the provincial officers and those in pay of the crown, and also to receive instructions as to the general plan of the campaign.

Washington, at the time, was twenty-four years of age, a model of manly strength and beauty, perfect in all the qualities and accomplishments of the gentleman and the soldier scholar, but wise and thoughtful beyond his years, inspiring at the outset of his career that love and confidence which are usually earned only by a life of service. Young as he was, his fame had preceded him. The events of the late campaign had drawn public attention toward him more distinctly than to any person in the country; and he had been the subject of that celebrated prophetic allusion from the pulpit, in which he was spoken of by President Davies as "that heroic youth, Colonel Washington, whom I cannot but hope Providence has hitherto preserved in so signal a manner for some

important service to the country." He passed about ten days at Boston on his first visit, in 1756, the object of public and private courtesy; but no particular record, I believe, remains of the manner in which his time was employed. In addition to the public objects of his errand, he had an office of private sympathy to perform. The son of Governor Shirley had fallen the year before in Braddock's Field, and Washington probably brought the first detailed information of that event to the sorrowing father. The season for taking the field had not yet arrived, and the youthful hero, whose heart was alive to the tenderest and most sacred sensibilities of our nature, lingered awhile in New York. Tradition has lifted a corner of the veil that hides the cause of his detention, but the bright vision of domestic felicity which it discloses, failed to be realized. After a few days passed in New York, he returned to his post on the frontier of Maryland and Virginia, where he remained in active service till the operations of the war were transferred to the Northwest.

Such was his first visit to Boston, such his first appearance before the country at large. His second was twenty years later. A mighty change had taken place. The Seven Years' War had been brought to a triumphant close for England; Quebec had fallen, and the American possessions of France in the Northwest had been transferred to Great Britain. That important event changed the destinies of the continent. It relieved the English colonists of the ever-impending danger of a French and Indian war, and opened wide the road to their independent national existence. The ministry at London, in the unforeseen result of their policy, with their own hands dug the grave of British supremacy on this continent upon the heights of Abraham, and buried it, never to rise again, beneath the monument of Wolfe and Montcalm. The ill-starred plan of new taxation, matured at London while the old colonial ties were strained to bursting, brought on the crisis; and in twelve



years from the signature of the treaty of 1763, blood was shed on Lexington Green.

Washington had passed the interval in retirement at Mount Vernon—for the most of the time a member of the Virginia Assembly, thoughtfully, not passionately, watching the progress of events; till in July, 1755, the young chieftain, who, twenty years before, seemed preserved by a special Providence in the desperate encounters of the Western wilderness, takes the field at Cambridge, beneath the noble elm tree still standing on the Common, as Commander-in-Chief of the Armies of the United States. Having, in that capacity, brought the first great act of the revolutionary drama to a triumphant close, by the expulsion of the royal army from Boston, he entered it himself, for the second time, on the 18th of March, 1776, crossing in a boat from Lechmere's Point, now East Cambridge. He was still at the meridian of life, but the solemn destinies to which he was called had set the sacred impress of sadness on his brow. His natural temperament was joyous; it is even said that, in a sally of youthful spirits, he had declared that the whizzing of the bullets at Braddock's defeat was music to his ear; but from the time he took command of the ill-appointed, suffering, sometimes dispirited armies of the Revolution, there is a tradition that the father of his country was seldom seen to smile.

This was the second visit of Washington to this part of the country—his second appearance in a high national capacity before the people of the Union. Years pass by; the august plan of Providence ripens; the beloved and revered chieftain, aided by his patriotic associates, carries the bleeding country through another seven years' war—hard apprenticeship of freedom; the great European antagonist and rival of England, revenging the loss of her American colonies, and moved by the personal ardor of Lafayette throws her sword into the scale—thirteen independent State governments succeed to as many

colonies—peace crowns the work—the wounds of the Revolution are slowly healed—America takes her place in the family of nations—and a Constitution of Confederate Union, the bright consummate flower of our political growth, is formed.

Heaven forbid that I should ascribe all the glory of this auspicious result to one man, even though that man were Washington; heaven forbid that I should appear insensible to the merit of those by whom he was seconded and sustained, both in the revolutionary and constitutional age—of Franklin and Adams, of Henry and Jefferson, of Lafayette, of Green, of Knox and Lincoln, of Jay and Hamilton and Madison—men to whom the great chief himself never failed to do justice; but I say no more than each and all of these revered patriots would themselves have said, no more than several of them did say, in pronouncing the character of Washington to have been the beacon light which guided the country through that broken and stormy sea. Beacon light, did I say? it was more, and higher. The tempest might rage, the ocean might heave from its depths, the eternal hills might tremble upon their rocky thrones, and the bewildered needle might wander from its path, but there was one

"As constant as the northern star,  
Of whose true fixed and resting quality  
There is no fellow in the firmament."

Reared, cradled almost, in arms—the chieftain of two wars, all but engaged in a third—for even in his boyhood a midshipman's warrant had been procured for him, and nothing but the fond yearnings of a mother's heart prevented his entering the British navy—inured to military command from his youth, he sheathes his sword with all that gladness of heart with which unchastened ambition draws it; the first in war, he becomes (oh, rare union of graces!) the first in peace; and the first President of the United States was unanimously chosen in the hearts of the people; not merely in advance of the con-

stitutional forms of election, but without the poor machinery of caucuses and conventions, by which, in later times, disinterested politicians of all parties relieve the people from the trouble of selecting their rulers.

In the first year of his administration he made his tour in the Eastern States; and on the 25th of October, 1789, thirty years after his first visit, he came to Boston for the last time, the chief magistrate, unanimously chosen of the infant confederacy. He was then fifty-seven years of age, in personal appearance not widely different from Stuart's portrait painted about six years afterward; and he himself less powerful in the prerogatives of office than in the love and veneration of his fellow citizens. Oh, that his pure example, his potent influence, his parting counsels, could bring us back the blessings of national harmony! Oh, that from the heavens to which he has ascended, his voice might even now be heard, and teach us to unite again in the brotherhood of love, as we are united on one precious remembrance of the past, one glorious vision of the future, one bond of constitutional union!

Such were the three visits of Washington to Boston, such are the three great events in his career. To do justice to his character, we must sketch the background of the picture of which he forms the most prominent personage. He has been often called, and among others by the first living parliamentary orator of England (Lord Brougham), "The greatest man of our own or of any age;" and this estimate of his character, long since pronounced by his grateful countrymen, seems to me more and more confirmed by the general assent of the more reflecting portion of mankind. And if the first part of the eulogium is founded in truth, the second is not less so. Not like Alfred and Charlemagne, bright lights shining in dark ages, Washington lived in an age, which, notwithstanding the illustrious names which adorn other periods of history, in many respects

stands first in the annals of our race for great names, great events, great reforms, and the general progress of intelligence. The period which has elapsed from about the commencement of the last century, down nearly to our time, and of which Washington is the brightest ornament, may be called, with propriety, *seculum mirabile*, the age of wonders, humanly speaking, in the history of mankind. Let us, my friends, to justify this remark, and to show the grandeur of that theatre on which Washington played his illustrious part, cast a rapid glance over this age, which, in periods of history far distant, will be designated by his name.

In the first place, then, we behold in the North this Slavonian race, one of the elemental families of men, after swelling in the progress of centuries, unperceived by the rest of mankind, to a great numerical, but ill-compacted strength in the steppes of Northwestern Asia, organized at length under the autocracy of the Czars, bursting into the front rank of nations as the Russian Empire, like one of those mysterious champions of whom we read in tales of chivalry, that sometimes stalked unexpectedly into the lists at the tournaments, face and form clothed in dark impenetrable steel, bidding defiance to all around, and inspiring a sort of ghostly distrust and terror. We behold this new member of the political family stretching away, East and West, through the arctic zone of two Continents—absorbing the kingdoms which bounded it on the South in Europe, and sapping the foundation of the Ottoman power; which, for three centuries had been the terror and the scourge of Europe. Four names of note, Peter the Great, Catharine the Second, and in our own times, Alexander and Nicholas, illustrate the development of this colossal power. Charles the Twelfth, of Sweden, met the youthful giant in deadly conflict.

"But left the name at which the world grew pale  
To point a moral and adorn a tale."

Of equal note, as we cast our eyes along the map, are Frederick the Great, sovereign of another State, raised in this period to the front rank, and Maria Theresa, his magnanimous antagonist, the Empress-Queen of Germany and Hungary. While the wars and policy of these great Northern powers are now moulding the relations of Western Europe, the march of civilization is reversed, and the foundations of a commercial empire of European origin are laid upon the ruins of the oldest despotisms of the East. One hundred years ago last May—so low was then the British power in the East—one hundred and forty-six Englishmen were driven at the point of the Sepoy's bayonets into the black hole of Calcutta, where they trampled each other to death in the agonies of suffocation. But in the next year—just one century ago—while Washington, under the order of a British colonial governor, was defending Western Virginia, in the valley of the Shenandoah, against the Indians and French, Lord Clive pushed his little army where the phalanx of Alexander never penetrated, and at the battle of Plassey, 23d June, 1757, conquered Hindoostan for England. Little knowing what she did, with her right hand she laid the foundation of a subject empire at the gates of the morning, while with her left hand she sowed the seeds of this imperial republic beneath the setting sun. Notwithstanding these successes abroad, the administration of the government languished at home. The mighty ship of state lay rolling in the trough of the sea, and ready, as it seemed, to founder, when the illustrious Pitt was summoned to the helm; and from the moment the hand of the mighty master was laid to the wheel, the noble vessel came up to the wind and rode upon the waves, as if every timber and spar, from the keel to the main-truck had been instinct with the life and power that now governed the steerage. That great minister in a year or two sent General Wolf to the gates of Quebec, of whom George

the Second said, when told that Wolf was mad, that he hoped, "If he were so, he would bite some of his other generals." With Wolfe, there went up the St. Lawrence an English mariner, as yet unknown to fame, Captain James Cook, who, ten years later, first effectually solved the mystery of the Pacific, threw open the portals of this great Australian world-cradle of the future States, republics, and confederations, springing, while I speak, into existence, as rapidly as the coral reefs on which they rest, and gathering dimensions and strength with a rapidity scarcely surpassed by our own. How they start into being, these minute, rudimental worlds! In one age the living tomb of the industrious little madrepora, that builds as he dies; in the next a tropical islet covered with palmetto groves, nodding with bread-fruit, and perfumed with sandal-wood. In one century fathom deep beneath the weltering Pacific, and in another, spouting torrents of fire from the volcanic peaks of Mauna Loa. Now a calcareous ledge, the unseen terror of the navigator; and anon the abode of the simple children of nature, fore-runners of the civilized races, which are rushing from the agitated kingdoms of the Old World, to act over again, in regions beyond the Eastern, ay, beyond the Western hemisphere, in these new-found Eldorados, the troubled, mysterious drama of human life.

While these events are in progress in the East, our own Revolution, the great political consummation of the ages, is accomplished in the West. In its progress the leading powers of Europe are drawn into the vortex, and we behold—O, wonder of human policy!—the oldest monarchies of the Eastern hemisphere, one of them herself the mistress of American colonies, stretching through a hundred degrees of latitude from California to Cape Horn, darkening the Atlantic with the navies sent to the aid of the revolted colonies of England, and stationing their auxiliar armies as a guard of honor around the cradle of insurgent republicanism. Scarcely

has the curtain fallen on our Revolution, when it rises on the Revolution of France; that terrific convulsion, dismal parody on auspicious originals, which laid the last strongholds of feudalism in the dust, overturned the traditions of ten centuries in France, shook to its centre the entire fabric of continental Europe, and commenced a series of political changes, subversions, and renovations—some auspicious, some doubtful—not yet nor soon to be finally composed and adjusted.

Nor let us, in this most hasty survey of the age of Washington, omit the great development of thought, the social, the intellectual, and moral revolution—often more important than the political and military changes by which dynasties are founded and overturned—such as the effectual transfer of the powers of government from the aristocracy to the people, in the person of the elder Pitt in England—the full development of the representative system, and of the great idea of the confederative Union in our own country—the establishment of the freedom of speech and of the press in both countries—the vast development of journalism a revolution of itself—the incalculable extension of manufacturing power, the steam-engine, the steam-car, the steam-ship, the steam-press—the great discoveries in chemistry, astronomy, and every other branch of natural science,—the voltaic battery—the electric telegraph—the great improvements in education, especially the education of the blind, of the deaf and dumb, and of idiots, in the care of the pauper, the discipline of the criminal—the suppression of the African slave trade, the commencement of the civilization of Africa by her own returning children, first dawn of a brighter day for that benighted continent and race—the translation of the Bible into every language, and the beginning of obedience to the Divine injunction to preach the Gospel to every creature. In conducting and promoting these and other great improvements, revolutions, and reforms, in par-

liaments and cabinets, on the battle-field and on the ocean, in the forum, in the closet, at the desk, in all the strenuous exertions, and gallant struggles and brilliant achievements and pious labors and noble sacrifices which they have required, a long line of worthies—statesmen, and chieftains, and thinkers, and writers, and sages, and philanthropists, heroes of peace and heroes of war, and not of one sex alone—have passed over the stage of humanity, numerous, gifted, illustrious, I must think in the aggregate beyond those of any other period. But in all this eventful century, over which you have joined me in casting this most hastily glance, so rich in character, so crowded with events, so productive of institutions and reforms, so prolific and so prodigal of life, so auspicious in anticipation, among all its greatest and brightest names, each a star shining in its own sphere, and often there with unsurpassed brightness, it has long been conceded that the star of Washington shines the brightest and in the highest sphere.

"Micat inter omnes  
Julium sidus, velut inter ignes  
Luna minores."

Among all the wise in counsel, the valiant in battle, the firm and prudent in government, the pure in life, however eminent their single points of character, however meritorious their achievements, I find not one of any nation, in any part of this remarkable period of history, who has left so deep an impression of himself in the public opinion of mankind; not one, the sum total of whose qualities, and the aggregate of whose character, can be measured with that of our Washington.

There are but three individuals of this period upon whom mankind, with some approach to general consent, have bestowed the epithet of "the Great." Shall we compare our Washington for a moment with each of them? Shall we compare him with Peter the Great of Russia, who flourished in the beginning of the century, and hewed that political colossus of the North

into form and symmetry? A sovereign of vast though often most ill-directed energy; a fearless, and on some occasions, a beneficent reformer; a consummate organizer, who, with a kind of rough tact, truly felt the pulses of national life in the Titanic frame, which he called into being; pursuing a few grand ideas, though often by eccentric methods bordering on madness, but with a resolution which no labors could weary, and no dangers appal, and forcing them with an iron will upon an unsympathizing and apathetic people. These are his titles to the epithet of "Great;" but, with them all, he was an unmitigated tyrant—the murderer, perhaps the torturer of his own son, a man who united the wisdom of a philosopher and the policy of a great prince with the tastes of a satyr, the manners of a barbarian, and the passions of a fiend; guilty of crimes so hideous and revolting that, if I attempted to describe them, I should drive you shrieking from this hall. You surely would not permit me to place the name of Washington in comparison with his.

Or shall we compare him with Frederick the Second of Prussia, to whom complacent public opinion has also accorded the epithet of "Great," the European hero of that war in which Washington, in the morning of life, won his first laurels? He was no doubt a military and a civil genius of the first order; by the energy of his character, he built up a kingdom, scarcely known by that title, when he came to the throne, into a first-rate power; the fearless soldier, the profound strategist, the heroic chief; nor less a master of political combination, a zealous promoter of the material prosperity of his subjects, who doubled the population of his little kingdom, and increased all the resources in more than the same proportion, notwithstanding the wars in which he was continually involved; but at the same time a pedant, ostentatiously displaying his superficial literary attainments, a wretched poet-aster, a dupe of the insipid adulation of godless foreign wits, who flattered him to his face, and

ridiculed him behind his back; a German sovereign, who yet preferred to write and speak poor broken French, in which Voltaire said there was not a sentence which you would not know to be the language of a foreigner, rather than to use his native, noble Teutonic tongue, the mother of our own, the language of Luther's translation of the Bible, in which Klopstock had first sounded the clarion of Messiah to the utmost borders of Germany; a prince raised by Providence in the bitter school of adversity to an absolute throne, entertaining the most exalted ideas of the kingly prerogative, drawing everything, even the administration of justice, into an arbitrary centralization, who had yet trained his undevout heart to believe that blind chance or blind destiny occupies the throne of the universe; that the heavens and the earth could do without a God, though the paltry electorate of Brandenburg could not do without a king; and that while it was impossible for him to hold the scattered provinces of his little realm together without a daily outgoing of civil, military, and judicial power, moved by one intellect, and one will, could yet believe that the system and systems which compose the universe, beyond the power of human speech to enumerate, or human thought to conceive, are thrown out into one vast anarchy, wheeling and hurling through the regions of space without a law-giver and a head; who, so thinking and so believing while he lived, when he came to die, in order to mark more emphatically—as we are told by his not unfriendly biographer—his contempt for the species to which he belonged, instead of allowing his "poor old carcass," as he himself called it, to be laid by the side of his kindred, ordered that it should be buried with his favorite dogs at Potsdam!

Or shall we compare Washington with the third greatest of his age, the illustrious Captain of the last generation in France, that portentous blazing star, which began to flame in the Eastern sky as our benignant luminary was

sinking in the West, amidst the golden clouds of a nation's blessings? I have no wish to trample on the memory of Napoleon the First, whom I regard by no means as the most ambitious of conquerors, the most arbitrary of despots, or the worst of men. The virtues and the feelings, like the talents, the opportunities, and the fortunes of this extraordinary man, are on too colossal a scale to be measured by ordinary standards of morality. The prevalent opinions in this country of his character and career have come to us through a British medium, discolored by a national prejudice, and the deadly struggle of a generation; or by natural reaction have been founded on the panegyrics of grateful adherents and admiring subjects, who deem every Frenchman a partner in the glory of their chief. Posterity and impartial history will subdue the lights and relieve the shadows of the picture. They will accord to him a high, perhaps the highest, rank among the great masters of war, placing his name in, or on an equality with the three great captains of antiquity, if not above them; will study his campaigns for lessons of strategy; will point to his code as a noble monument of legislative wisdom; will dwell upon the creative vigor with which he brought order out of the chaos of the Revolution, retrieving the dilapidated finances, and restoring the prostrate industry of France; will enumerate the harbors, the canals, the bridges, the public buildings, the Alpine roads, the libraries, the museums, and all the thousand works of industrious peace and productive art; will not withhold their admiration for the giant grasp of his genius and imperial grandeur of his fortunes, nor deny a tribute of human sympathy to his calamitous decline and fall—but the same impartial history will record more than one ineffaceable stain upon his character, and never to the end of time, never on the page of historian, poet, or philosopher, never till a taste for true, moral greatness is eaten out of the hearts of men by

a mean admiration of success and power, never in the exhortations of the prudent magistrate, counselling his fellow-citizens for their good, never in the dark ages of national fortune, when anxious patriots explore the annals of the past for examples of public virtue, never in the admonition of the parent forming the minds of his children by lessons of fireside wisdom, never, oh, never, will the name of Napoleon, nor of any of the other famous conquerors of ancient and modern days, be placed upon a level with Washington's.

But though Washington was thus great in an age of great men, and great events, yet was his greatness neither borrowed nor reflected, but original. This is a trait in his character, and in that of some of his most distinguished contemporaries, not perhaps duly appreciated; that they were to a degree rarely, if ever, equalled, the architects of their own character, and of their country's fortunes. Enriched and instructed as we are by the bright examples, the recorded opinions, and the established institutions of the past, we reflect too little how much guidance we derive from them in the practical duties of public life; nor do we sufficiently bear in mind how many of these examples, opinions, and institutions, came down to us from the age of Washington; how few go back to an earlier period, or could have been of use in the formation of his mind, or the guidance of his conduct. In order fully to estimate what he did for the country, he and his associates, we must contrast America as it was in 1732, without great events, great institutions, great traditions, and great characters, with America as it stood at his decease, rich in great events, great institutions, great traditions, and great characters, and his the greatest of them all. Our voyage is on a well known sea, the course laid down on faithful charts, and the shores and the havens pointed out and described by those who have preceded us; but Washington and the men of his age were com

elled, against adverse tempests, to sound their way along the unvisited coasts of republican government and constitutional liberty.

In the old societies of Europe (though in them, also, there is all-pervading progress, even when least favored by circumstances), and here among us, in the middle of the nineteenth century, in a proportionate degree, the relations of individual men to the masses of society, to institutions, and to pre-existing material, social, and political conditions are far less critical than they were in America at the commencement of Washington's career. An established form and constitution of government, in some cases the slow growth of centuries, connected with it, and sometimes stronger than the government itself, an ascertained and permanent order of society, traditions, public and domestic, filling up the vacant places, if any such there be, not covered by the express constitutions of the State, venerable laws, and manners older than laws, and especially the accumulated examples of ages, unite in the old world to form, to influence, and to control the individual man, far more than the individual man, however brilliant his endowments and indomitable his will, can influence, control, and change the mass. For the last three centuries, certainly in Europe, the most original and self-made characters have been powerfully conditioned and controlled in their action upon society. Even in the results of great revolutions in the old countries (those for instance, the greatest of all, in England in the middle of the seventeenth, and in France at the end of the eighteenth centuries), although in their progress, the oldest governments were shaken to their foundations, yet the social system, after the most violent convulsions, often falls back substantially to its pre-existing conditions. What arrogant princes call legitimacy, and mistake for an attachment to a family, is a struggle of the body politic to revert to a long established type of political and constitutional organization.

Far different the case in this country previous to our constitutional age. In a little more than a century and a half, the English colonies passed through all the stages of social and, political existence which lie between the feeblest provincial infancy, and powerful, vigorously acting, earnestly protecting, self-reliant national manhood, by far the most important steps in the rapid movement having been taken in the lifetime of Washington. He was constantly called upon, he and his associates, to engage in great measures in which there was no precedent to guide them; and to display qualities of character, of which, on a large scale, no examples were furnished by the history of the country. The first century of the settlements North and South had no doubt produced its worthy men, in church and in State, useful in their day and generation; but the population was too small in the aggregate, and scattered without any principle of cohesion, over too wide an extent of country—the theatre was, morally speaking, too narrow, the control of means, material and political, too inconsiderable, the want of organization too absolute, to admit the formation and development of high national character, or furnish precedents for the new order of things. There was no great revolutionary struggle in the seventeenth century to afford examples to guide, or beacons to warn, the leaders of the great movement in the eighteenth; there was but a very imperfect effort at constitutional union in 1754, to direct the minds of men in the organic elaboration of that great idea, which forms the consummation of the Revolutionary movement. I doubt if a hundred pages had been written on either side of the Potomac before the seven years' war, to which Washington and the men of his age could refer, for such lessons as to us—drawn from the writings and examples of the revolutionary age—are as familiar as household words. To say all in one word, there was no Washington in the seventeenth century, in the pure mirror of

whose character the Washington of the eighteenth century could mould and fashion his youthful virtues, or rehearse the great part he was to act in life.

There was none in America, there was none in Europe, there was none in the modern world, there was none in the ancient world. I cast my eyes along the far-stretching galleries of history, still echoing to the footsteps of the mighty dead; I behold with admiration the images and the statues of the great and good men with which they are accorded. I see many who deserved well of their country in civil and in military life, on the throne, in the council chamber, in the battlefield; while they lived, wreathed with well-won laurels, and scarred with honest wounds,—Hampden and William of Orange, William Tell, and Robert Bruce, and King Alfred, and in the olden time Cato and Tully, and Demosthenes, and Timoleon, and Epaminondas; but I behold in the long line, no other Washington. I return from the search, up and down the pathways of time, grateful to the Providence which, at the solemn moment, when the destinies of the Continent were suspended in the balance of doubtful future—doubtful to human apprehension—raised up a chieftain endowed with every quality of mind and heart to guide the fortunes of a nascent State.

If, then, we claim for Washington this solitary eminence among the great and good, the question will naturally be asked, in what the peculiar and distinctive excellence of his character consisted; and to this fair question I own, my friends, I am tasked to find an answer that does full justice to my own conceptions and feelings. It is easy to run over the heads of such a contemplation; to enumerate the sterling qualities which he possessed, and the defects from which he was free; but when all is said in this way that can be said, with whatever justice of honest eulogy, and whatever sympathy of appreciation, we feel that there is a depth which we have not sounded, a latent power we have

not measured, a mysterious beauty of character which you can no more describe in words than you can paint a blush with a patch of red paint, or the glance of a sunbeam from a ripple with a streak of white paint thrown upon the canvass; a moral fascination, so to express it, which all feel, but which we cannot analyze nor trace to its elements. All the personal traditions of Washington assure us that there was a serene dignity in his presence, which charmed while it awed the boldest who approached him.

It is with his character as with his image on the canvass. Who can fully account for the emotions with which he contemplates Stewart's portrait or Hondon's statue? To use the hackneyed phrases of artistic criticism, there is no lordly brow, no hyacinthine locks, no flashing eye, no dilated nostril, no chiseled lips; in the face no one strongly marked feature, in the form no muscular development like that of the youthful Hercules, no marvelous symmetry like that of the Apollo Belvedere; but there is something in face and form which supplies and surpasses them all—the stamp of unassuming superiority, sincerity, and truth; a benignant serenity which is more than beautiful; a calm dignity, like that of the affable angel who has put on the lineaments of man.

"A reverend state he had, an awful eye,  
A dazzling, yet inviting, majesty."

You feel as if you are gazing into that patient blue eye, where resignation shades into sadness, that you are looking upon a man whose word you would respect as an uninspired scripture; whose probity you would trust with uncounted gold; whose counsels you would lay up in your heart as those of a dying father; whose lead you would implicitly follow in the darkest hours of trial; whose good opinion you would not barter for the wealth of the Indies—a man toward whom affection rises into reverence, and reverence melts back into childish, tearful love.

It is usual, I am aware, with a certain class of



writers, especially foreign writers, while they do a sort of vague justice to the character of Washington, assigning him a most eminent rank in peace and war as a chieftain, a magistrate, and a pure patriot, to qualify their estimate by denying to him the possession of those brilliant traits which dazzle the imagination, and to apologize for his wanting what is called genius.

Now, it is certainly of little consequence to a memory like Washington's—a memory founded upon a life of services to his country and mankind, without a parallel in history—to contest a point like this, which belongs rather to the criticism of language than to the estimate of character. If Washington was able, under the circumstances of the utmost difficulty and danger with which he was surrounded, to conduct the war of the Revolution to an auspicious and honorable close; if confidence in him was the sheet anchor, so to say, to which the country was moored during the anxious period of a government which succeeded the Revolution; if his influence was mainly instrumental in giving us the Constitution of the United States, and if in his eight years' administration of the chief office he set an example, which to the end of time will be the model of a patriot President; if he was all this, and did all this, without those dazzling powers of mind which constitute what is commonly meant by genius, then we may safely say, in reference at least to the conduct of affairs, that genius is an endowment of very little importance. Men will gladly exchange the qualities which fascinate the imagination for those by which righteous wars are brought to honorable issues, families of states gathered into confederacies, wise constitutions framed, governments administered, and the happiness of States promoted. "I cannot play the fiddle," said the illustrious Grecian statesman (a man, however, not to be named in the same day with Washington for purity and elevation of character)—"I cannot play the fiddle," said Themistocles, (1) "but I can make a small town into a great city."

But, so far from regarding the absence of brilliant qualities as a defect, I am disposed to place the distinctive beauty and excellence of Washington's character in that well-balanced aggregate of powers and virtues for which he was distinguished, and which necessarily excludes the possession of one or two highly developed prominent traits. No one, I think, who has carefully reflected on the subject, but will come to the conclusion that, instead of being improved, his character would have been impaired by any such dazzling quality, especially when we take into account the defects with which such qualities are sure to be accompanied. The ardent and ungoverned temperament, the indomitable will (often another name for arrogant obstinacy and selfishness), the passionate love of distinction and applause, which enter so largely in most cases into what is called a brilliant public character, would have destroyed the beauty and broken down the strength of Washington's. The ancient philosophers placed the true conception of perfect manhood in the possession of those powers and qualities which are required for the honorable and successful discharge of the duties of life, each in the golden mean, equally removed from excess in either direction, and all in due proportion. This type of true greatness I find more fully realized in the character of Washington than in that of any other chieftain or ruler of ancient or modern times. He did not possess a few brilliant qualities in that exaggerated degree in which they are habitually described to the heroes of poetry and romance, but he united all the qualities required for the honorable and successful conduct of the greatest affairs, each in the happy mean of a full maturity, and all in that true proportion in which they balance and sustain each other.

Now, the popular estimate of character knows nothing of this golden mean and harmonious adjustment. In the chieftain, it coldly approves a thoughtful valor, and loves the gallant rashness which finds a joy in the maddening con-

flict; in the magistrate, it faintly applauds a discreet and well-weighed system of public measures, but it does not frown on the selfish management of the artful manœurer, and delights in the success which occasionally follows an audacious *coup d'état*. In the senate or on the platform, it listens with respectful, often with constrained, attention to the voice of well-urged reason and argument, but yields itself a willing captive to the specious declamation which often misleads the judgment, while it delights the ear, and sometimes maddens while it charms.

But, above all, it belongs to a well-balanced character like Washington's that it should include the grave, sober, and, I am sorry to add, the unpopular qualities. Such a virtue, for instance, is prudence, which, according to the stern Roman satirist, disarms fortune of her power. Consummate prudence marked the life and conduct of Washington. But, in the inverted estimate of the world, prudence receives no applause, excites no admiration, wins no love. We sometimes almost hate it for the restraints which it imposes upon the endearing weaknesses and generous follies of a warm and kindly nature.

Justice is another of the great kingly virtues of life; the governments of men, the government of God on high, rest upon it. Justice was personified in Washington; it was the law of his life. But justice is not a quality that fascinates the imaginations of men. Moralists inculcate it, all men exact it in their dealing when it promotes their interests; the Athenians, at the height of their refinement, grew tired of it, in the person of Aristides, and banished it.

Modesty is a lovely trait, which sets the last seal to a truly great character, as the blush of innocence adds the last charm to youthful beauty. When on his return from one of his arduous campaigns in the Seven Years' War, the Speaker of the Virginia Assembly, by order of the House, addressed Colonel Washington in acknowledgement of his services, the youthful

hero rose to reply; but humility choked his utterance, diffidence sealed his lips: "Sit down, Colonel Washington," said the Speaker; "the House sees that your modesty is equal to your merit, and that exceeds my power to describe." But who ever heard of a modest Alexander or a modest Cæsar, or a modest hero or statesman of the present day?—much as some of them would be improved by a measure of that quality.

Common sense was eminently a characteristic of Washington; so called, not because it is so very common a trait of character in public men, but because it is the final judgment on great practical questions to which the mind of the community is pretty sure eventually to arrive. Few qualities of character in those who influence the fortunes of nations are so conducive both to stability and progress. But it is a quality which takes no hold of the imagination; it inspires no enthusiasm, it wins no favor; it is well if it can stand its ground against the plausible absurdities, the hollow pretenses to stupendous impostures of the day.

But however these unobtrusive and austere virtues may be overlooked in the popular estimate, they belong unquestionably to the true type of sterling greatness, reflecting as far as it can be done within the narrow limits of humanity, that deep repose and silent equilibrium of mental and moral power which governs the universe. To complain of the character of Washington that it is destitute of brilliant qualities, is to complain of a circle that it has no salient points and no sharp angles in its circumference; forgetting that it owes all its wonderful properties to the unbroken curve of which every point is equidistant from the center? Instead, therefore, of being a mark of inferiority, this sublime adjustment of powers and virtues in the character of Washington is in reality its glory. It is this which chiefly puts him in harmony with more than human greatness. The higher we rise in the scale of being—material, intellectual, and moral—the more certainly we

quit the region of the brilliant eccentricities and dazzling contrasts which belong to a vulgar greatness. Order and proportion characterize the primordial constitution of the terrestrial system; ineffable harmony rules the heavens. All the great eternal forces act in solemn silence. The brawling torrent that dries up in summer, deafens you with its roaring whirlpools in March, while the vast earth on which we dwell, with all its oceans and all its continents and its thousand million of inhabitants, revolves unheard upon its soft axle at the rate of a thousand miles an hour, and rushes noiselessly on its orbit a million and a half miles a day. Two storm clouds encamped on opposite hills on a sultry summer's evening, at the expense of no more electricity, according to Mr. Faraday, than is evolved in the decomposition of a single drop of water, will shake the surrounding atmosphere with their thunders, which, loudly as they rattle on the spot, will yet not be heard at the distance of twenty miles; while those tremendous and unutterable forces which ever issue from the throne of God, and drag the chariot-wheels of Uranus and Neptune along the uttermost pathways of the solar system, pervade the illimitable universe in silence.

This calm and well balanced temperament of Washington's character is not badly shadowed forth in the poet's description of Cicero:—

"This magistrate hath struck an awe into me,  
And by his sweetness won a more regard  
Unto his place, than all the boisterous  
That ignorant greatness practiseth to fill  
The large unfit authority it wears.  
How easy is a noble spirit discerned  
From harsh and sulphurous matter, that flies out  
In contumelies, makes a noise, and bursts."

And did I say, my friends, that I was unable to furnish an entirely satisfactory answer to the question, in what the true excellence of the character of Washington consists? Let me recall the word as unjust to myself, and unjust to you. The answer is plain and simple enough; it is this, that all the great qualities of disposition and action, which so eminently fitted him for

the service of his fellow men, were founded on the basis of a pure Christian morality, and derived their strength and energy from that vital source. He was great as he was good; he was great because he was good; and I believe, as I do in my existence, that it was an important part in the design of Providence in raising him up to be the leader of the Revolutionary struggle, and afterward the first President of the United States, to rebuke prosperous ambition and successful intrigue; to set before the people of America, in the morning of their national existence, a living example to prove that armies may be best conducted, and governments most ably and honorably administered, by men of sound moral principle; to teach to gifted and aspiring individuals, and the parties they lead, that, though a hundred crooked paths may conduct to a temporary success, the one plain and straight path of public and private virtue can alone lead to a pure and lasting fame, and the blessings of posterity.

Born beneath an humble but virtuous roof, brought up at the knees of a mother not unworthy to be named with the noblest matrons of Rome or Israel, the "good boy," as she delighted to call him, passed uncorrupted through the temptations of the solitary frontier, the camp, and the gay world, and grew up the good man. Engaging in early youth in the service of his country, rising rapidly to the highest trusts, office and influence and praise, passing almost the bounds of human desert, did nothing to break down the austere simplicity of his manners, or to shake the solid basis of his virtues. Placed at the head of the suffering and discontented armies of his country, urged by the tempter to change his honest and involuntary dictatorship of influence into a usurped dictatorship of power, reluctantly consenting to one re-election to the Presidency, and positively rejecting a second, no suspicion ever crossed the mind of an honest man—let the libellers say what they would, for libellers I am sorry to say there were

in that day as in this—men who pick their daily dishonorable bread out of the characters of men as virtuous as themselves—and they spared not Washington—but the suspicion never entered into the mind of an honest man, that his heart was open to the seductions of ambition or interest; or that he was capable in the slightest degree, by word or deed, of shaping his policy with a view to court popular favor, or serve a selfish end; that a wish or purpose ever entered his mind inconsistent with the spotless purity of his character.

"No veil  
He needed, virtue proof, no thought infirm  
Altered his cheek."

And in the judgment of mankind, so depraved is their perception of moral worth, so dull that they can withhold their admiration from such a character, and bestow it, for instance, upon the hard-hearted, wondrous youth of ancient renown, who, when he had trampled the effeminate rabble of the East under the iron feet of his Macedonian phalanx, and that world which he wept to conquer was in fact groveling at his footstool; when he might have founded a dynasty at Babylon which would have crushed the Roman domination in the land, and changed the history of the world from that time to this, could fool away the scepter of universal dominion which Providence was forcing into his hand, in one night's debauch, and quench power, and glory, and reason, and life, in the poisonous cup of wine and harlotry?

Can men coldly qualify their applause of the patriot hero of the American Revolution, who never drew his sword but in a righteous, defensive war, and magnify the name of the great Roman dictator, who made the "bravo's trade" the merciless profession of his life, and trained his legions in the havoc of unoffending foreign countries for the "more than civil wars" in which he prostrated the liberties of his own.

Can they seriously disparage our incorruptible

Washington, who would not burden the impoverished treasury of the Union by accepting even the frugal pay of his rank; whose entire expenditure charged to the public for the whole war was less than the cost of the stationery of Congress for a single year; whom all the gold of California and Australia could not have bribed to do a mean act—can they seriously disparage him in comparison with such a man as the hero of Blenheim, the renowned English commander, the ablest general, the most politic statesman, the most adroit negotiator of the day—of whom it has been truly said, that he never formed the plan of a campaign which he failed to execute, never besieged a city which he did not take, never fought a battle which he did not gain, and who, alas! caused the muster-rolls of his victorious army to be fraudulently made out, and pocketed the pay which he drew in the names of men who had fallen in his own sight four years before.

There is a splendid monumental pile in England, the most magnificent perhaps of her hundred palaces, founded in the name of Queen Anne at the public cost, to perpetuate the fame of Marlborough. The grand building, with its vast wings and spacious courts, covers seven acres and a half of land. It is approached on its various sides by twelve gates or bridges, some of them triumphal gates, in a circumference of thirteen miles, inclosing the noble park of twenty-seven hundred acres (Boston Common has forty-three), in which the castle stands, surrounded by the choicest beauties of forest, and garden, and fountain, and lawn, and stream. All that gold could buy, or the bounty of his own, or foreign princes could bestow, or taste devise, or art execute, or ostentation could lavish, to perfect and adorn the all but regal structure, without and within, is there. Its saloons, and its galleries, its library and its museum, among the most spacious in England, for a private mansion, are filled with the rarities and wonders of ancient and modern art. Elo-

quent inscriptions from the most gifted pens of the age—the English, by Lord Bolingbroke, the Latin, I believe, by Bishop Hoadley—set forth on triumphal arches and columns, the exploits of him to whom the whole edifice, and the domains which surround it are one gorgeous monument. Lest human adulation should prove unequal to the task, nature herself has been called in to record his achievements. They have been planted, rooted in the soil. Groves and coppices, curiously disposed, represent the position, the number, the martial array of the hostile squadrons at Blenheim. Thus, with each returning year, spring hangs out his triumphant banners—May's *Æolian* lyre sings of his victories through her gorgeous foliage; and the shrill trump of November sounds "*Malbrook*" through her leafless branches.

Twice in my life I have visited the magnificent residence—not as a guest; once, when its stately porticos afforded a grateful shelter from the noonday sun, and again after thirty years interval, when the light of a full harvest moon slept sweetly on the bank once shaded by *Rosamond's bower*—so says tradition—and poured its streaming bars of silver through the branches of oaks which were growing before Columbus discovered America. But to me, at noontide, or in the evening, the gorgeous pile was as dreary as death, its luxurious grounds as melancholy as a church yard. It seemed to me not a splendid palace, but a dismal mausoleum, in which a great and blighted name lies embalmed like some old Egyptian tyrant, black and ghastly in the asphaltic contempt of ages, serving but to rescue from an inevitable oblivion the career and character of the magnificent peculator and miser, and traitor to whom it is dedicated; needy in the midst of his ill-gotten millions; mean at the head of his victorious armies; despicable under the shadow of his thick-woven laurels; and poor, and miserable, and blind, and naked, amidst the lying shams of his tinsel greatness. The eloquent inscriptions in Latin

and English, as I strove to read them, seemed to fade from arch and column, and three dreadful words of palimpsestic infamy came out in their stead, like those which caused the knees of the Chaldean tyrant to smite together, as he beheld them, traced by no mortal fingers on the vaulted canopy which spread like a sky over his accursed revels; and those dreadful words were, *AVARICE, PLUNDER, ETERNAL SHAME!*

There is a modest, private mansion on the bank of the Potomac, the abode of George Washington, and Martha his beloved, his loving, faithful wife. It boasts no spacious portal, nor gorgeous colonnade, nor massy elevation, nor storied tower. The porter's lodge at Blenheim Castle, nay, the marble dog-kennels were not built for the entire cost of Mount Vernon. No arch nor column, in courtly English or courtlier Latin, sets forth the deeds and the worth of the father of his country; he needs them not; the unwritten benedictions of millions cover all the walls. No gilded dome swells from the lowly roof to catch the morning or evening beam; but the love and gratitude of united America settle upon it in one eternal sunshine. From beneath that humble roof went forth the intrepid and unselfish warrior—the magistrate who knew no glory but his country's good; to that he returned happiest when his work was done. There he lived in noble simplicity; there he died in glory and peace. While it stands, the latest generations of the grateful children of America will make their pilgrimage to it, as to a shrine; and when it shall fall, if fall it must, the memory and the name of Washington shall shed an eternal glory on the spot.

Yes, my friends, it is the pure morality of Washington's character in which its peculiar excellence resides; and it is this which establishes its intimate relations with general humanity. On this basis he ceases to be the hero of America, and becomes the hero of mankind. I have seen it lately maintained by a respectable foreign writer, that he could not have led the mighty

host which Napoleon marched into Russia in 1812; not so much one army as thirteen armies, each led by its veteran chief, some of them by tributary kings, and all conducted to their destination across continental Europe without confusion and without mutual interference, by the master mind, the greatest military array the world has ever seen. That Washington, who never proved unequal to any task, however novel or arduous, *could* not have led that gigantic army into Russia, I am slow to believe. I see not why he who did great things with small means is to be supposed to be incompetent to do great things with large means. That he *would* not, if it depended on him, have plunged France and Europe into that dreadful war, I readily grant. But allowing, what cannot be shown, that he was not as a strategist equal to the task in question, I do not know that his military reputation is more impeached by this gratuitous assumption, that he could not have got that mighty host into Russia, than Napoleon's by the historical fact that he could not and did not get it out of Russia.

At any rate, whatever idle comparisons between Napoleon and Washington, unfavorable to the military genius of the latter, may be instituted, Washington himself, modest as he was, deriving conscious strength from the pure patriotism which formed the great motive of his conduct, did not fear to place himself in a position which he must have thought would, in all human probability, bring him into collision with the youthful conqueror of Italy, fresh from the triumphs of his first, and, all things considered, his most brilliant campaign. The United States, I need not remind you, were on the verge of a war with France in 1798. The command of the armies of the Union was pressed by President Adams on Washington, and he consented to take command in the event of an invasion. In a very remarkable letter written in July, 1798, he mentions the practice "adopted by the French (with whom we are now to

contend), and with great and astonishing success, to appoint generals of juvenile years to command their armies."

A recent judicious French writer (M. Edouard Labonlaye), though greatly admiring the character of Washington, denies him the brilliant military genius of Julius Cæsar. For my own part, considering the disparity of the means at their command, respectively, and of their scale of operation, I believe that after times will, on the score of military capacity, assign as high a place to the military chieftain who founded the Republic of America, as to the ambitious usurper who overturned the liberties of Rome. Washington would not most certainly have carried an unprovoked and desolating war into the provinces of Gallia, chopping off the right hands of whole populations, guilty of no crime but that of defending their homes; he would not have thrown his legions into Britain as Cæsar did, though the barbarous natives had never heard of his name. Though to meet the invaders of his country, he could push his way across the broad Delaware, through drifting masses of ice in a December night, he could not, I grant, in defiance of the laws of his country, have spurred his horse across the "little Rubicon" beneath the mild skies of an Ausonian winter. It was not talent which he wanted for brilliant military achievements; he wanted a willingness to shed the blood of fellow-men for selfish ends; he wanted unchastened ambition; he wanted an ear as deaf as the adder's to the cry of suffering humanity; he wanted a remorseless thirst for false glory; he wanted an iron heart.

But it is time, my friends, to draw these contemplations to a close. When the decease of this illustrious and beloved commander-in-chief, in 1799, was officially announced to the army of the United States, by General Hamilton, who, of all his honored and trusted associates stood highest, I think, in his affections and confidence, it was truly said by him in his general orders, that "the voice of praise would endeavor to exalt a

name unrivaled in the lists of true glory." It is for us, citizens of the country which he lived but to serve, children of parents who saw him face to face, enjoying ourselves the inestimable blessings which he did so much to secure and perpetuate, to reflect luster upon his memory in the only way in which it is possible for us to do so, by showing that his example and his counsels, instead of losing their influence by the lapse of years, are possessed of an ever-enduring vitality. Born into the family of nations in these latter days, inheriting from ancient times and from foreign countries the bright and instructive example of all their honored sons, it has been the privilege of America, in the first generation of her national existence, to give back to the world many names whose luster will never fade, one of which the whole family of Christendom is willing to acknowledge the pre-eminence; a name of which neither Greece, nor Rome, nor republican Italy, Switzerland nor Holland, nor constitutional England can boast the rival. "A character of virtues so happily tempered by one another," (I use the words of Charles James Fox) "and so wholly unalloyed with any vices as that of Washington, is hardly to be found on the pages of history."

He lived, indeed, not for us alone, but for all nations. Notwithstanding his leading agency in wresting a colonial empire from Great Britain, the moral sense of that country was not slow to apprehend the grandeur and beauty of his character. "No one who has not been in England" (writes Mr. Rufus King, our minister to that country, to General Hamilton in 1797) "can have a just admiration expressed among all parties for General Washington. It is a common observation that he is not only the most illustrious, but the most meritorious, character that has yet appeared." Nor was France, notwithstanding the uneasy relations of the two countries at the time of his decease, less willing to do justice to his memory. When the news of his death reached Paris, the youth-

ful and fortunate soldier who had already reached the summit of power, by paths which Washington could never have trod, commanded the highest honors to be paid to him. A solemn funeral service was performed in the Invalides, in the presence of all that was most eminent in Paris. "A sorrowful cry," said Fontanes, the orator chosen by Napoleon for the occasion, "has reached us from America which he delivered. It belongs to France to yield the first response to the lamentation which will be echoed by every great soul. These august arches have been well chosen for the apotheosis of a hero." Oh, how often in those wild scenes of her Revolution, when the best blood of France was shed by the remorselessness of ephemeral tyrants, who chased each other, dagger in hand, across that terrible stage of crime and woe, during the reign of terror—how often did the thoughts of Lafayette and his brethren in arms, who with him had fought the battles of constitutional liberty in America, call up the image of the pure, the just, the humane, the unambitious Washington! How different would have been the fate of France, if her victorious chieftain, when he had reached the dizzy heights of power, had imitated the great example which he eulogized! He might have saved his country from being crushed by the leagued hosts of Europe; he might have prevented Moscow and Waterloo from being written in letters of blood upon the page of history; he might have escaped himself, the sad significance of those memorable words of Fontanes', on the occasion to which I have alluded, when, in the presence of Napoleon he spoke of Washington as a man who "by a destiny seldom shared by those who change the fate of empires, died in peace as a private citizen in his native land, where he had held the first rank, and which he had himself made free." How different would have been the fate of Spain, of Naples, of Greece, of Germany, of the South American Republics, had their recent revolutions been conducted by

men like Washington and his associates; and in the momentous movements now in progress (February, 1856), and which in all probability will, in the course of thirty years, put a new face upon many parts of Europe, how gladly will the weary and stricken nations exchange the dazzling qualities which throw an ephemeral luster around the names of ambitious heroes, for the prudence, wisdom, probity, and disinterestedness with which the Father of his Country conducted the American Revolution to an auspicious result!

But to us, citizens of America, it belongs above all others to show respect to the memory of Washington, by the practical deference which we pay to those sober maxims of public policy which he left us—a last testament of affection in his Farewell Address. Of all the exhortations which it contains, I scarce need say to you that none are so emphatically uttered, none so anxiously repeated, as those which enjoin the preservation of the Union of these States. On this, under Providence, it depends in the judgment of Washington whether the people of America shall follow the Old World example, and be broken up into a group of independent military powers, wasted by eternal border wars, feeding the ambition of petty sovereigns on the life-blood of wasted principalities—a custom house on the bank of every river, a fortress on every frontier hill, a pirate lurking in the recesses of every bay—or whether they shall continue to constitute a confederate republic, the most extensive, the most powerful, the most prosperous in the long line of ages. No one can read the Farewell Address without feeling that this was the thought and this the care which lay nearest and heaviest upon that noble heart; and if—which Heaven forbid—the day shall ever arrive when his parting counsels on that head shall be forgotten, on that day, come it soon, or come it late, it may as mournfully as truly be said, that Washington has lived in vain. Then the vessels as they

ascend and descend the Potomac may toll their bells with new significance as they pass Mount Vernon; they will strike the requiem of constitutional liberty for us—for all nations.

But it cannot, shall not be; this great woe to our beloved country, this catastrophe for the cause of national freedom, this grievous calamity for the whole civilized world, it cannot, shall not be. No, by the glorious 19th of April, 1775; no, by the precious blood of Bunker Hill, of Princeton, of Saratoga, of King's Mountain, of Yorktown; no, by the undying spirit of '76; no, by the sacred dust enshrined at Mount Vernon; no, by the dear immortal memory of Washington—that sorrow and shame shall never be. Sooner let the days of colonial vassalage return; rather let the Frenchman and the savage again run the boundary with the firebrand and scalping-knife, from the St. Lawrence to the Mississippi, than that sister States should be arraigned against each other, or brother's hands be imbrued in brother's blood.

A great and venerated character like that of Washington, which commands the respect of an entire population, however divided on other questions, is not an isolated fact in history to be regarded with barren admiration—it is a dispensation of Providence for good. It was well said by Mr. Jefferson in 1792, writing to Washington to dissuade him from declining a renomination: "North and South will hang together while they have you to hang to." Washington in the flesh is taken from us; we shall never behold him as our fathers did; but his memory remains, and I say, let us hang to his memory. Let us make a national festival and holiday of his birthday; and ever, as the 22d of February returns, let us remember, that while with these solemn and joyous rites of observance we celebrate the great anniversary, our fellow-citizens on the Hudson, on the Potomac, from the Southern plains to the Western lakes, are engaged in the same offices of gratitude and love. Nor we, nor they alone—beyond the Ohio, beyond the



Mississippi, along that stupendous trail of immigration from East to West, which, bursting into States as it moves westward, is already threading the Western prairies, swarming through the portals of the Rocky Mountains and winding down their slopes, the name and the memory of Washington on that gracious night will travel with the silver queen of heaven through sixty degrees of longitude, nor part

company with her till she walks in her brightness through the golden gate of California, and passes serenely on to hold midnight court with her Australian stars. There, and there only, in barbarous archipelagoes as yet untrodden by civilized man, the name of Washington is unknown; and there, too, when they swarm with enlightened millions, new honors shall be paid with ours to his memory.







STEPHEN A. DOUGLAS.

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## STEPHEN A. DOUGLAS.

**A**MONG the public men of the United States who exerted a guiding influence upon the affairs of their country from 1845 to 1861, no name stands more prominent than that of Stephen Arnold Douglas, of Illinois. He was born at Brandon, Vermont, April 23, 1813. His father, dying while Stephen was yet an infant, left his family in straitened circumstances. His mother was unable to gratify his earnest longing for a thorough education, but assisted him as much as she was able, and encouraged him in all his efforts. When fifteen, Stephen apprenticed himself to a cabinet maker, that he might be able to secure means sufficient to defray the expenses of a college course. In this he was partially successful—taking a short course in an academy at Brandon, and afterward at Canandaigua, New York. He finally abandoned the idea of taking a complete course, entered upon the study of law, followed the course of empire to the West, and settled down to work in Jacksonville, Illinois, where, after teaching school for a few months, he was ad-

mitted to the bar, and entered upon the practice of his profession in 1834. His success and prosperity were soon assured. Within a year he was elected Attorney General of the State, and before another year elapsed he resigned this office, that he might take his seat as a member of the State Legislature in 1835. In 1837 he was Registrar of the State Land Office; in 1840 he was Secretary of State in Illinois, and in the following year became one of the judges of the Supreme Court of the State. This position he retained for two years, when he resigned it, to take his seat in the national House of Representatives in 1843. Four years later he was advanced to a seat in the United States Senate, where, by successive re-elections, he remained until his death. During his whole career in Congress he took a prominent part in the affairs of public legislation. First in the House of Representatives, and afterward in the Senate, as Chairman of The Territorial Committee, he was intimately connected with all territorial legislation, and perhaps in no other class of legislation were the sensitive questions

agitating the country during those years more frequently touched. He advocated the annexation of Texas, supported the war which ensued with Mexico, and when the question of slavery in the Territories, and in connection with the admission of new States, was brought forward in the California question, he placed himself on record as opposed to the spirit of the Missouri compromise measure of 1820. He maintained that the people of the territories had the sole right to decide the question of slavery for themselves. This doctrine became popularly known as *Squatter Sovereignty*, and was bitterly assailed by both North and South for its teachings and principles. The Omnibus bill, a compromise measure of 1850, he claimed was, in effect, a repeal of the compromise of 1820, and justified his course on the Kansas-Nebraska bill on that ground. In 1852, and again in 1856, his name was prominently before the Democratic national convention as a candidate for the Presidency. In 1858 he discussed the great issues of the day in joint debate with Mr. Lincoln, who was his opponent for senatorial honors. This debate, which has become celebrated throughout the length and breadth of the land, and which is reproduced in this volume, displays, in a marked degree, the position of these giant intellects upon the important questions then agitating the public mind. In 1860, when the Democratic convention met in Charleston, Mr. Douglas had a

sufficient majority to insure his nomination for President, but when the delegates from a number of the Southern States withdrew, the convention adjourned to meet in Baltimore at a later date. When it reassembled, the delegates from some of the Southern States again withdrew, and Douglas was nominated as the regular Democratic candidate for President. The withdrawing delegations placed in nomination John C. Breckenridge, of Kentucky. While Mr. Douglas received 1,365,976 votes at the popular election, he received but 12 votes in the electoral college. Mr. Lincoln, the Republican candidate, received 1,857,610 of the popular votes and 180 electoral votes. The important events of 1860 and 1861 crowded fast upon the country. The Southern States arrayed themselves in open hostility to the government. Mr. Douglas deprecated the idea of civil war, but advocated the maintenance of the integrity of the Union. He placed himself, with all lovers of the Union, in support of the administration, and when, after the attack on Fort Sumter, Lincoln called for 75,000 volunteers, he approved of the measure, and in public speeches lent the power of his influence in support of the government.

He died June 3, 1861. His dying message to his sons, then absent in college, expressed the ruling thought of a great mind in its last effort: "Tell them," said he, "to obey the laws and support the Constitution of the United States."

## DOUGLAS-LINCOLN DEBATE.

*Mr. Douglas' opening speech at the joint debate between himself and Mr. Lincoln, at Alton, Ill., Oct. 15, 1858.*

LADIES AND GENTLEMEN: It is now nearly four months since the canvass between Mr. Lincoln and myself commenced. On the 16th of June the Republican Convention assembled at Springfield, and nominated Mr. Lincoln as their candidate for the United States Senate, and he, on that occasion, delivered a speech in which he laid down what he understood to be the Republican creed and the platform on which he proposed to stand during the contest. The principal points in that speech of Mr. Lincoln's were: First, that this government could not endure, permanently divided into free and slave States, as our fathers made it; that they must all become free or all become slave; all become one thing or all become the other, otherwise this Union could not continue to exist. I give you his opinions almost to the identical language he used. His second proposition was a crusade against the Supreme Court of the United States, because of the Dred Scot decision; urging as an especial reason for his opposition to that decision, that it deprived the negroes of the rights and benefits of that clause in the Constitution of the United States, which guarantees to the citizens of each State all the rights, privileges, and immunities of the citizens of the several States. On the 10th of July I returned home, and delivered a speech to the people of Chicago, in which I announced it to be my purpose to appeal to the people of Illinois to sustain the course I had pursued in Congress. In that speech I joined issue with Mr. Lincoln on the points which he had presented. Thus there was an issue clear and distinct made up between us on these two propositions laid down in the speech of Mr. Lincoln at Springfield, and con-

troverted by me in my reply to him at Chicago. On the next day, the 11th of July, Mr. Lincoln replied to me at Chicago, explaining at some length, and reaffirming the positions which he had taken in his Springfield speech. In that Chicago speech he even went further than he had before, and uttered sentiments in regard to the negro being on an equality with the white man. He adopted in support of this position the argument which Lovejoy and Coddington, and other Abolition lecturers had made familiar in the northern and central portions of the State, to wit: That the Declaration of Independence having declared all men free and equal, by Divine law, also that negro equality was an inalienable right, of which they could not be deprived. He insisted, in that speech, that the Declaration of Independence included the negro in the clause asserting that all men were created equal, and went so far as to say that if one man was allowed to take the position that it did not include the negro, others might take the position that it did not include other men. He said that all these distinctions between this man and that man, this race and the other race, must be discarded, and we must all stand by the Declaration of Independence, declaring that all men were created equal.

The issue thus being made up between Mr. Lincoln and myself on three points, we went before the people of the State. During the following seven weeks, between the Chicago speeches and our first meeting at Ottawa, he and I addressed large assemblages of the people in many of the central counties. In my speeches I confined myself closely to those three positions which he had taken, controverting his

proposition that this Union could not exist as our fathers made it, divided into free and slave States, controverting his proposition of a crusade against the Supreme Court because of the Dred Scot decision, and controverting his proposition that the Declaration of Independence included and meant the negroes as well as the white men when it declared all men to be created equal. I supposed at that time that these propositions constituted a distinct issue between us, and that the opposite positions we had taken upon them we would be willing to be held to in every part of the State. I never intended to waver one hair's breadth from that issue either in the North or in the South, or wherever I should address the people of Illinois. I hold that when the time arrives that I cannot proclaim my political creed in the same terms, not only in the northern and southern portion of Illinois, not only in the Northern but Southern States, and wherever the American flag waves over American soil, that then there must be something wrong in that creed. So long as we live under a common Constitution, so long as we live in a confederacy of sovereign and equal States, joined together as one for certain purposes, that any political creed is radically wrong which cannot be proclaimed in every State, and every section of the Union, alike. I took up Mr. Lincoln's three propositions in my several speeches, analyzed them, and pointed out what I believed to be the radical errors contained in them. First, in regard to his doctrine that this government was in violation of the law of God, which says that a house divided against itself cannot stand, I repudiated it as a slander upon the immortal framers of our Constitution. I then said, I have often repeated, and now again assert, that in my opinion our government can endure forever, divided into free and slave States as our fathers made it—each State having the right to prohibit, abolish or sustain slavery, just as it pleases. This government was made upon the great basis of the sover-

eignty of the States, the right of each State to regulate its own domestic institutions to suit itself, and that right was conferred with the understanding and expectation that inasmuch as locality had separate interests, each locality must have different and distinct local and domestic institutions, corresponding to its wants and interests. Our fathers knew when they made the government, that the laws and institutions which were well adopted to the green mountains of Vermont, were unsuited to the rich plantations of South Carolina. They knew then, as well as they know now, that the laws and institutions which would be well adapted to the beautiful prairies of Illinois would not be suited to the mining regions of California. They knew that in a republic as broad as this, having such a variety of soil, climate and interest, there must necessarily be a corresponding variety of local laws—the policy and institutions of each State adapted to its condition and wants. For this reason this Union was established on the right of each State to do as it pleased on the question of slavery, and every other question; and the various States were not allowed to complain of, much less interfere with, the policy of their neighbors.

Suppose the doctrine advocated by Mr. Lincoln and the Abolitionists of this day had prevailed when the Constitution was made, what would have been the result? Imagine for a moment that Mr. Lincoln had been a member of the convention that framed the Constitution of the United States, and that when its members were about to sign the wonderful document, he had arisen in that convention as he did at Springfield this summer, and addressing himself to the President, had said, "A house divided against itself cannot stand; this government, divided into free and slave States, cannot endure, they must all be free or all be slave, they must all be one thing or all be the other, otherwise, it is a violation of the law of God, and cannot continue to exist;"—suppose Mr. Lin-

coln had convinced that body of sages that that doctrine was sound, what would have been the result? Remember that the Union was then composed of thirteen States, twelve of which were slaveholding and one free. Do you think that the one free State would have outvoted the twelve slaveholding States, and thus have secured the abolition of slavery? On the other hand, would not the twelve slave-holding States have outvoted the one free State, and thus have fastened slavery, by a Constitutional provision, on every foot of the American republic forever? You see that if this Abolition doctrine of Mr. Lincoln had prevailed when the government was made, it would have established slavery as a permanent institution in all the States, whether they wanted it or not, and the question for us to determine in Illinois now, as one of the free States is, whether or not we are willing, having become the majority section, to enforce a doctrine on the minority, which we would have resisted with our hearts' blood had it been attempted on us when we were in the minority. How has the South lost her power as the majority section in this Union, and how have the free States gained it, except under the operation of that principle which declares the right of the people of each State and each Territory to form and regulate their domestic institutions in their own way. It was under that principle that slavery was abolished in New Hampshire, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania; it was under that principle that one-half the slaveholding States became free; it was under that principle that the number of free States increased until, from being one out of twelve States, we have grown to be the majority of States of the whole Union, with the power to control the House of Representatives and Senate, and the power, consequently, to elect a President by Northern votes without the aid of a Southern State. Having obtained this power under the operation of that great principle, are you now prepared to

abandon the principle, and declare that merely because we have the power you will wage a war against the Southern States and their institutions until you force them to abolish slavery everywhere.

After having pressed these arguments home on Mr. Lincoln for seven weeks, publishing a number of my speeches, we met at Ottawa in joint discussion, and he then began to crawl a little, and let himself down. I there propounded certain questions to him. Amongst others, I asked him whether he would vote for the admission of any more slave States in the event the people wanted them. He would not answer. I then told him that if he did not answer the question there I would renew it at Freeport, and would then trot him down into Egypt and again put it to him. Well, at Freeport, knowing that the next joint discussion took place in Egypt, and being in dread of it, he did answer my question in regard to no more slave States in a mode which he hoped would be satisfactory to me, and accomplish the object he had in view. I will show you what his answer was. After saying that he was not pledged to the Republican doctrine of "no more slave States," he declared:

"I state to you freely, frankly, that I should be exceedingly sorry to ever be put in the position of having to pass upon that question. I should be exceedingly glad to know that there never would be another slave State admitted into this Union."

Here permit me to remark, that I do not think the people will ever force him into a position against his will. He went on to say.

"But I must add in regard to this, that if slavery shall be kept out of the Territory during the territorial existence of any one given Territory, and then the people should, having a fair chance and a clear field when they come to adopt a Constitution, if they should do the extraordinary thing of adopting a slave Constitution, uninfluenced by the actual presence of the



institution among them, I see no alternative, if we own the country, but we must admit it into the Union."

That answer Mr. Lincoln supposed would satisfy the old line Whigs, composed of Kentuckians and Virginians down in the southeastern part of the State. Now what does it amount to? I desired to know whether he would vote to allow Kansas to come into the Union with slavery or not, as her people desired. He would not answer; but in a roundabout way said that if slavery should be kept out of a Territory during the whole of its territorial existence, and then the people, when they adopted a State constitution, asked admission as a slave State, he supposed he would have to let the State come in. The case I put to him was an entirely different one. I desired to know whether he would vote to admit a State, if Congress had not prohibited slavery in it during its territorial existence, as Congress never pretended to do under Clay's compromise measures of 1850. He would not answer, and I have not yet been able to get an answer from him. I have asked him whether he would vote to admit Nebraska, if her people asked to come in as a State, with a constitution recognizing slavery, and he refused to answer. I have put the question to him with reference to New Mexico, and he has not uttered a word in answer. I have enumerated the Territories, one after another, putting the same question to him with reference to each, and he has not said, and will not say, whether, if elected to Congress, he will vote to admit any Territory now in existence with such a constitution as her people may adopt. He invents a case which does not exist, and cannot exist under this government, and answers it; but he will not answer the question I put to him in connection with any of the Territories now in existence. The contract we entered into with Texas, when she entered the Union, obliges us to allow four States to be formed out of the old State, and admitted with, or without slavery, as

the respective inhabitants of each may determine. I have asked Mr. Lincoln three times in our joint discussions, whether he would vote to redeem that pledge, and he has never yet answered. He is as silent as the grave on the subject. He would rather answer as to a state of the case which will never arise, than commit himself by telling what he would do in a case which would come up for his action, soon after his election to Congress. Why can he not say whether he is willing to allow the people of each State to have slavery or not, as they please, and to come into the Union, when they have the requisite population, as a slave or a free State, as they decide? I have no trouble in answering the questions. I have said everywhere, and now repeat it to you, that if the people of Kansas want a slave State, they have a right, under the Constitution of the United States, to form such a State, and I will let them come into the Union with slavery or without, as they determine. If the people of any other Territory desire slavery, let them have it. If they do not want it, let them prohibit it. It is their business, not mine. It is none of our business in Illinois, whether Kansas is a free State or a slave State. It is none of your business in Missouri, whether Kansas shall adopt slavery or reject it. It is the business of her people, and none of yours. The people of Kansas have as much right to decide that question for themselves as you have in Missouri to decide it for yourselves, or we in Illinois to decide it for ourselves.

And here I may repeat what I have said in every speech I have made in Illinois, that I fought the Lecompton constitution to its death, not because of the slavery clause in it, but because it was not the act and deed of the people of Kansas. I said then in Congress, and I say now, that if the people of Kansas want a slave State, they have a right to have it. If they wanted the Lecompton constitution, they had a right to have it. I was opposed to that consti-

tution, because I did not believe that it was the act and deed of the people, but on the contrary, the act of a small, pitiful minority, acting in the name of the majority. When at last it was determined to send that constitution back to the people, and accordingly, in August last, the question of admission under it was submitted to a popular vote, the citizens rejected it by nearly ten to one, thus showing, conclusively, that I was right when I said that the Lecompton constitution was not the act and the deed of the people of Kansas, and did not embody their will.

I hold that there is no power on earth, under our system of government, which has the right to force the Constitution upon an unwilling people. Suppose that there had been a majority of ten to one in favor of slavery in Kansas, and suppose there had been an Abolition President, and an Abolition administration, and by some means the Abolitionists succeeded in forcing an Abolition constitution on those slave-holding people, would the people of the South have submitted to that act for one instant? Well, if you of the South would not have submitted to it a day, how can you, as fair, honorable and honest men, insist on putting a slave constitution on a people who desire a free State? Your safety and ours depend upon both of us acting in good faith, and living up to that great principle which asserts the right of every people to form and regulate their domestic institutions to suit themselves, subject only to the Constitution of the United States.

Most of the men who denounced my course on the Lecompton question, objected to it, not because I was not right, but because they thought it expedient at that time, for the sake of keeping the party together, to do wrong. I never knew the Democratic party to violate any one of its principles, out of policy or expediency, that it did not pay the debt with sorrow. There is no safety or success for our party, unless we always do right, and trust the conse-

quences to God and the people. I chose not to depart from principle for the sake of expediency in the Lecompton question, and I never intend to do it, on that or any other question.

But I am told that I would have been all right if I had only voted for the English bill, after Lecompton was killed. You know a general pardon was granted to all political offenders on the Lecompton question, provided they would only vote for the English bill. I did not accept the benefits of that pardon, for the reason that I had been right in the course I had pursued, and hence did not require any forgiveness. Let us see how the result has been worked out. English brought in his bill referring the Lecompton constitution back to the people, with the provision that if it was rejected, Kansas should be kept out of the Union until she had the full ratio of population required for a member of Congress; thus, in effect, declaring that if the people of Kansas would only consent to come into the Union under the Lecompton constitution, and have a slave State when they did not want it, they should be admitted with a population of 35,000, but that if they were so obstinate as to insist upon having just such a constitution as they thought best, and to desire admission as a free State, then they should be kept out until they had 93,420 inhabitants. I then said, and I now repeat to you, that whenever Kansas has people enough for a slave State, she has people enough for a free State. I was, and am, willing to adopt the rule, that no State shall ever come into the Union until she has the full ratio of population for a member of Congress, provided that rule is made uniform. I made that proposition in the Senate last winter, but a majority of the Senators would not agree to it; and I then said to them, if you will not adopt the general rule, I will not consent to make an exception of Kansas.

I hold that it is a violation of the fundamental principles of this government to throw the weight of Federal power into the scale, either

in favor of the free or the slave States. Equality among all the States of this Union is a fundamental principle in our political system. We have no more right to throw the weight of the Federal government into the scale in favor of the slaveholding, than the free States, and last of all should our friends in the South consent for a moment that Congress should withhold its powers either way, when they know that there is a majority against them in both Houses of Congress.

Fellow-citizens, how have the supporters of the English bill stood up to their pledges not to admit Kansas until she had obtained a population of 93,420, in the event she rejected the Lecompton constitution? How? The newspapers inform us that English himself, whilst conducting his canvass for re-election, and in order to secure it, pledged himself to his constituents that, if returned, he would disregard his own bill, and vote to admit Kansas into the Union with such population as she might have when she made application. We are informed that every Democratic candidate for Congress in all the States, where elections have recently been held, was pledged against the English bill, with perhaps one or two exceptions. Now, if I had only done as these anti-Lecompton men who voted for the English bill in Congress, pledging themselves to refuse to admit Kansas if she refused to become a slave State until she had a population of 93,420, and then returned to their people, forfeited their pledge, and made a new pledge to admit Kansas at any time she applied, without regard to population, I would have had no trouble. You saw the whole power and patronage of the Federal government wielded in Indiana, Ohio, and Pennsylvania to re-elect anti-Lecompton men to Congress who voted against Lecompton, then voted for the English bill, and then denounced the English bill, and pledged themselves to their people to disregard it. My sin consists in not having given a pledge, and then in not having afterward for-

feited it. For that reason, in this State, every postmaster, every route agent, every collector of the ports, and every Federal office-holder forfeits his head the moment he expresses a preference for the Democratic candidates against Lincoln and his Abolition associates. A Democratic administration, which we helped to bring into power, deems it consistent with its fidelity to principle, and its regard to duty, to wield its power in this State, in behalf of the Republican Abolition candidates in every county, and every Congressional district, against the Democratic party. All I have to say in reference to the matter is, that if that administration have not regard enough for principle, if they are not sufficiently attached to the creed of the Democratic party to bury forever their personal hostilities in order to succeed in carrying out our glorious principles, I have but very little respect for them. I have no personal difficulty with Mr. Buchanan or his Cabinet. He chose to make certain recommendations to Congress, as he had a right to do, on the Lecompton question. I could not vote in favor of them. I had as much right to judge for myself how I should vote, as he had how he should recommend. He undertook to say to me, if you do not vote as I tell you, I will take off the heads of your friends. I replied to him, "You did not elect me, I represent Illinois, and I am accountable to Illinois, as my constituency, and to God, but not to the President, or to any other power on earth."

And now this warfare is made on me because I would not surrender my convictions of duty, because I would not abandon my constituency, and receive the orders of the executive authorities how I should vote in the Senate of the United States. I hold that an attempt to control the Senate on the part of the Executive is subversive of the principles of our Constitution. The Executive department is independent of the Senate, and the Senate is independent of the President. In matters of legislation the Presi-

dent has a veto on the action of the Senate, and in appointments and treaties the Senate has a veto on the President. He has no more right to tell me how I shall vote on his appointments than I have to tell him whether he shall veto or approve a bill that the Senate has passed. Whenever you recognize the right of the Executive to say to a Senator, "Do this, or I will take off the heads of your friends," you convert this government from a Republic into a despotism. Whenever you recognize the right of a President to say to a member of Congress, "Vote as I tell you, or I will bring a power to bear against you at home which will crush you," you destroy the independence of the representative, and convert him into a tool of Executive power. I resisted this invasion of the constitutional rights of a Senator, and I intend to resist it as long as I have a voice to speak, or a vote to give. Yet, Mr. Buchanan cannot provoke me to abandon one iota of Democratic principles out of revenge or hostility to his course. I stand by the platform of the Democratic party, and by its organizations, and support its nominees. If there are any who choose to bolt, the fact only shows that they are not as good Democrats as I am.

My friends, there never was a time when it was as important for the Democratic party, for all national men, to rally and stand together as to-day. We find all sectional men giving up past differences, and continuing the one question of slavery, and when we find sectional men thus uniting, we should unite to resist them and their treasonable designs. Such was the case in 1850, when Clay left the quiet and peace of his home, and again entered upon public life to quell agitation and restore peace to a distracted Union. Then, we Democrats, with Cass at our head, welcomed Henry Clay, whom the whole nation regarded as having been preserved by God for the times. He became our leader in that great fight, and we rallied around him the same as the Whigs rallied around Old Hickory

in 1832, to put down nullification. Thus you see that whilst Whigs and Democrats fought fearlessly in old times about banks, the tariff, distribution, the specie circular, and the sub-treasury, all united as a band of brothers when the peace, harmony, or integrity of the Union was imperiled. It was so in 1850, when Abolitionism had even so far divided this country, North and South, as to endanger the peace of the Union; Whigs and Democrats united in establishing the compromise measures of that year, and restoring tranquility and good feeling. These measures passed on the joint action of the two parties. They rested on the great principle that the people of each State and each Territory should be left perfectly free to form and regulate their domestic institutions to suit themselves. You Whigs, and we Democrats, justified them in that principle. In 1854, when it became necessary to organize the Territories of Kansas and Nebraska, I brought forward the bill on the same principle. In the Kansas-Nebraska bill you find it declared to be the true intent and meaning of the act not to legislate slavery into any State or Territory, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way. I stand on that same platform in 1858 that I did in 1850, 1854, and 1856. The Washington "Union," pretending to be the organ of the administration, in the number of the 5th of this month, devotes three columns and a half to establish these propositions: First, that Douglas in his Freeport speech held the same doctrine that he did in his Nebraska bill in 1854; second, that in 1854 Douglas justified the Nebraska bill upon the ground that it was based upon the same principle as Clay's compromise measures of 1850. The "Union" thus proved that Douglas was the same in 1858 that he was in 1856, 1854, and 1850, and consequently argued that he never was a Democrat. Is it not funny that I was never a Democrat? There is no pretense

that I have changed a hair's breadth. The "Union" proves by my speeches that I explained the compromise measures of 1850 just as I do now, and that I explained the Kansas and Nebraska bill in 1854 just as I did in my Freeport speech, and yet says I am not a Democrat, and cannot be trusted, because I have not changed during the whole of that time. It has occurred to me that in 1854 the author of the Kansas and Nebraska bill was considered a pretty good Democrat. It has occurred to me that in 1856, when I was exerting every nerve and every energy for James Buchanan, standing on the same platform that I do now, I was a pretty good Democrat. They now tell me that I am not a Democrat, because I assert that the people of a Territory, as well as those of a State, have a right to decide for themselves whether slavery can or cannot exist in such Territory. Let me read what James Buchanan said on that point when he accepted the Democratic nomination for the Presidency in 1856. In his letter of acceptance, he used the following language:

"The recent legislation of Congress, respecting domestic slavery, derived as it has been from the original and pure fountain of legitimate political power, the will of the majority, promises ere long to allay the dangerous excitement. This legislation is founded upon principles as ancient as free government itself, and in accordance with them has simply declared that the people of a Territory, like those of a State, shall decide for themselves whether slavery shall or shall not exist within their limits."

Dr. Hope will there find my answer to the question he propounded to me before I commenced speaking. Of course no man will consider it an answer who is outside of the Democratic organization, bolts Democratic nominations, and indirectly aids to put Abolitionists into power over Democrats. But whether Dr. Hope considers it an answer or not, every fair-minded man will see that James Buchanan has answered the question, and has asserted that the people of a Territory, like those of a State, shall decide for themselves whether slavery

shall or shall not exist within their limits. I answer specifically if you want a further answer, and say that, while under the decision of the Supreme Court, as recorded in the opinion of Chief-Justice Taney, slaves are property like all other property, and can be carried into any Territory of the United States the same as any other description of property, yet, when you get them there they are subject to the local law of the Territory, just like all other property. You will find in a recent speech delivered by that able and eloquent statesman, Hon. Jefferson Davis, at Bangor, Maine, that he took the same view of this subject that I did in my Freeport speech. He there said:

"If the inhabitants of any Territory should refuse to enact such laws and police regulations as would give security to their property or to his, it would be rendered more or less valueless in proportion to the difficulties of holding it without such protection. In the case of property in the labor of man, or what is usually called slave property, the insecurity would be so great that the owner could not ordinarily retain it. Therefore, though the right would remain, the remedy being withheld, it would follow that the owner would be practically debarred, by the circumstances of the case, from taking slave property into a Territory where the sense of the inhabitants was opposed to its introduction. So much for the oft-repeated fallacy of forcing slavery upon any community."

You will also find that the distinguished Speaker of the present House of Representatives, Hon. James L. Orr, construed the Kansas and Nebraska Bill in this same way in 1856, and also that great intellect of the South, Alexander H. Stephens, put the same construction upon it in Congress that I did in my Freeport speech. The whole South is rallying to the support of the doctrine that if the people of a Territory want slavery they have a right to have it, and if they do not want it, no power on earth can force it upon them. I hold that there is no principle on earth more sacred to all the friends of freedom than that which says that no institution, no law, no constitution, should be forced on an unwilling people contrary to their wishes; and I assert that the Kansas and Nebraska Bill contains that principle. It is the great principle contained in that bill. It is the principle on

which James Buchanan was made President. Without that principle he never would have been made President of the United States. I will never violate or abandon that doctrine if I have to stand alone. I have resisted the blandishments and threats of power on the one side, and seduction on the other, and have stood immovably for that principle, fighting for it when assailed by Northern mobs, or threatened by Southern hostility. I have defended it against the North and South, and I will defend it against whoever assails it, and I will follow it wherever its logical conclusions lead me. I say to you that there is but one hope, one safety, for this country, and that is to stand immovably by that principle which declares the right of each State and each Territory to decide these questions for themselves. This government was founded on that principle, and must be administered in the same sense in which it was founded.

But the Abolition party really think that, under the Declaration of Independence, the negro is equal to the white man, and that negro equality is an inalienable right conferred by the Almighty, and hence that all human laws in violation of it are null and void. With such men it is no use for me to argue. I hold that the signers of the Declaration of Independence had no reference to negroes at all when they declared all men to be created equal. They did not mean negroes, nor savage Indians, nor the Feejee Islanders, nor any other barbarous race. They were speaking of white men. They alluded to men of European birth and European descent—to white men, and to none others, when they declared that doctrine. I hold that this government was established on the white basis. It was established by white men for the benefit of white men and their posterity forever, and should be administered by white men, and none others. But it does not follow, by any means, that merely because the negro is not a citizen, and merely because he is not an equal,

that, therefore, he should be a slave. On the contrary, it does follow that we ought to extend to the negro race, and to all other dependent races, all the rights, and all the privileges, and all the immunities which they can exercise consistently with the safety of society. Humanity requires that we should give them all these privileges; Christianity commands that we should extend these privileges to them. The question then arises what are these privileges, and what is the nature and extent of them? My answer is, that that is a question which each State must answer for itself. We in Illinois have decided it for ourselves. We tried slavery, kept it up for twelve years, and, finding that it was not profitable, we abolished it for that reason, and became a free State. We adopted in its stead, the policy that a negro in this State shall not be a slave, and shall not be a citizen. We have a right to adopt that policy. For my part, I think it is a wise and sound policy for us. You in Missouri must judge for yourselves, whether it is a wise policy for you. If you choose to follow our example, very good; if you reject it still, well, it is your business, not ours. So with Kentucky. Let Kentucky adopt a policy to suit herself. If we do not like it, we will keep away from it, and if she does not like ours, let her stay at home, mind her own business, and let us alone. If the people of all the States will act on that great principle, and each State mind its own business, attend to its own affairs, take care of its own negroes, and not meddle with its neighbors, then there will be peace between the North and the South, the East and the West, throughout the Union. Why can we not thus have peace? Why should we thus allow a sectional party to agitate this country, to array the North against the South, and convert us into enemies instead of friends, merely that a few ambitious men may ride into power on a sectional hobby? How long is it since these ambitious Northern men wished for a sectional organization? Did any one of them

dream of a sectional party as long as the North was the weaker section, and the South the stronger? Then all were opposed to sectional parties; but the moment the North obtained the majority in the House and Senate by the admission of California, and could elect a President without the aid of Southern votes, that moment ambitious Northern men formed a scheme to excite the North against the South, and make the people be governed in their votes by geographical lines, thinking that the North, being the stronger section, would out-vote the South, and consequently they, the leaders, would ride into office on a sectional hobby. I am told that my hour is out. It was very short.

#### MR. LINCOLN'S REPLY.

LADIES AND GENTLEMEN:—I have been somewhat, in my own mind, complimented by a large portion of Judge Douglas' speech—I mean that portion which he devotes to the controversy between himself and the present administration. This is the seventh time Judge Douglas and myself have met in these joint discussions, and he has been gradually improving in regard to his war with the administration. At Quincy, day before yesterday, he was a little more severe upon the administration than I had heard him upon any occasion, and I took pains to compliment him for it. I then told him to "Give it to them with all the power he had;" and as some of them were present, I told them I would be very much obliged, if they would *give it to him* in about the same way. I take it he has now vastly improved upon the attack he made then upon the administration. I flatter myself, he has really taken my advice on this subject. All I can say now, is to recommend to him, and to them, what I then commended—to prosecute the war against one another, in the most vigorous manner. I say to them again—"Go it, husband!—Go it, bear!"

There is one other thing I will mention be-

fore I leave this branch of the discussion—although I do not consider it much of my business, any way. I refer to that part of the Judge's remarks, where he undertakes to involve Mr. Buchanan in an inconsistency. He reads something from Mr. Buchanan, from which he undertakes to involve him in an inconsistency; and he gets something of a cheer for having done so. I would only remind the Judge, that while he is very valiantly fighting for the Nebraska Bill, and the repeal of the Missouri Compromise, it has been but a little while since he was the *valiant advocate* of the Missouri Compromise. I want to know if Buchanan has not as much right to be inconsistent as Douglas has? Has Douglas the *exclusive right*, in this country, of being *on all sides of all questions*? Is nobody allowed that high privilege but himself? Is he to have an entire *monopoly* on that subject?

So far as Judge Douglas addressed his speech to me, or so far as it was about me, it is my business to pay some attention to it. I have heard the Judge state two or three times what he has stated to-day—that in a speech which I made at Springfield, Illinois, I had in a very especial manner complained that the Supreme Court in the Dred Scott case had decided that a negro could never be a citizen of the United States. I have omitted by some accident heretofore to analyze this statement, and it is required of me to notice it now. In point of fact, it is *untrue*. I never have complained *especially* of the Dred Scott decision, because it held that a negro could not be a citizen, and the Judge is always wrong when he says I ever did so complain of it. I have the speech here, and I will thank him, or any of his friends, to show where I said that a negro should be a citizen, and complained especially of the Dred Scott decision, because it declared he could not be one. I have done no such thing, and Judge Douglas, in so persistently insisting that I have done so, has strongly impressed me with the belief of a prede-

termination on his part to misrepresent me. He could not get his foundation for insisting that I was in favor of this negro equality anywhere else as well as he could by assuming that untrue proposition. Let me tell this audience what is true in regard to that matter; and the means by which they may correct me if I do not tell them truly, is by a recurrence to the speech itself. I spoke of the Dred Scott decision in my Springfield speech, and I was then endeavoring to prove that the Dred Scott decision was a portion of a system or scheme to make slavery national in this country. I pointed out what things had been decided by the court. I mentioned as a fact that they had decided that a negro could not be a citizen—that they had done so, as I supposed, to deprive the negro, under all circumstances, of the remotest possibility of ever becoming a citizen, and claiming the rights of a citizen of the United States, under a certain clause of the Constitution. I stated that, without making any complaint of it at all. I then went on and stated the other points decided in the case, viz: That the bringing of a negro into the State of Illinois and holding him in slavery for two years here, was a matter in regard to which they would not decide whether it would make him free or not; that they decided the further point that taking him into a United States Territory where slavery was prohibited by act of Congress, did not make him free, because that act of Congress, as they held, was unconstitutional. I mentioned these three things as making up the points decided in that case. I mentioned them in a lump, taken in connection with the introduction of the Nebraska Bill, and the amendment of Chase, offered at the time, declaratory of the right of the people of the Territory to *exclude slavery*, which was voted down by the friends of the bill. I mentioned all these things together, as evidence tending to prove a combination and conspiracy to make the institution of slavery national. In that connection and in that way I mentioned the decision on the point that

a negro could not be a citizen, and in no other connection.

Out of this, Judge Douglas builds up his beautiful fabrication of my purpose to introduce a perfect social, and political equality between the white and black races. His assertion that I made an "especial objection" (that is his exact language) to the decision on this account, is untrue in point of fact.

Now, while I am upon this subject, and as Henry Clay has been alluded to, I desire to place myself, in connection with Mr. Clay, as nearly right before this people as may be. I am quite aware what the Judge's object is here by all these allusions. He knows that we are before an audience having strong sympathies southward by relationship, place of birth, and so on. He desires to place me in an extremely Abolition attitude. He read upon a former occasion, and alludes without reading to-day, to a portion of a speech which I delivered in Chicago. In his quotations from that speech, as he has made them upon former occasions, the extracts were taken in such a way as, I suppose, brings them within the definition of what is called *garbling*—taking portions of a speech, which, when taken by themselves, do not present the entire sense of the speaker as expressed at the time. I propose, therefore, out of that same speech, to show how one portion of it which he skipped over (taking an extract before and an extract after) will give a different idea, and the true idea I intended to convey. It will take me some little time to read it, but I believe I will occupy the time that way.

You have heard him frequently allude to my controversy with him in regard to the Declaration of Independence. I confess that I have had a struggle with Judge Douglas on that matter, and I will try briefly to place myself right in regard to it on this occasion. I said—and it is between the extracts Judge Douglas has taken from this speech, and put in his published speeches:



"It may be argued that there are certain conditions that make necessities and impose them upon us, and to the extent that a necessity is imposed upon a man, he must submit to it. I think that was the condition in which we found ourselves when we established this government. We had slaves among us, we could not get our Constitution unless we permitted them to remain in slavery, we could not secure the good we did secure if we grasped for more; and having by necessity submitted to that much, it does not destroy the principle that is the charter of our liberties. Let the charter remain as our standard."

Now I have upon all occasions declared as strongly as Judge Douglas against the disposition to interfere with the existing institution of slavery. You hear me read it from the same speech from which he takes garbled extracts for the purpose of proving upon me a disposition to interfere with the institution of slavery, and establish a perfect social and political equality between negroes and white people.

Allow me while upon this subject, briefly to present one other extract from a speech of mine, more than a year ago, at Springfield, in discussing this very same question, soon after Judge Douglas took his ground that negroes were not included in the Declaration of Independence:

"I think the authors of that notable instrument intended to include *all* men, but they did not mean to declare all men equal *in all respects*. They did not mean to say all men were equal in color, size, intellect, moral development, or social capacity. They defined with tolerable distinctness in what they did consider all men created equal—equal in certain inalienable rights, among which are life, liberty, and the pursuit of happiness. This they said, and this they meant. They did not mean to assert the obvious untruth, that all were then actually enjoying that equality, or yet, that they were about to confer it immediately upon them. In fact, they had no power to confer such a boon.

They meant simply to declare the *right*, so that the *enforcement* of it might follow as fast as circumstances should permit.

"They meant to set up a standard maxim for free society which should be familiar to all; constantly looked to, constantly labored for, and even, though never perfectly attained, constantly approximated, and thereby constantly spreading and deepening its influence, and augmenting the happiness and value of life to all people, of all colors, everywhere."

There again, are the sentiments I have expressed in regard to the Declaration of Independence upon a former occasion—sentiments which have been put in print and read wherever anybody cared to know what so humble an individual as myself chose to say in regard to it.

At Galesburg the other day, I said in answer to Judge Douglas, that three years ago there never had been a man, so far as I knew or believed, in the whole world, who had said that the Declaration of Independence did not include negroes in the term "all men." I reassert it to-day. I assert that Judge Douglas and all his friends may search the whole records of the country, and it will be a matter of great astonishment to me if they shall be able to find that one human being three years ago had ever uttered the astounding sentiment that the term "all men" in the Declaration did not include the negro. Do not let me be misunderstood. I know that more than three years ago there were men who, finding this assertion constantly in the way of their schemes to bring about the ascendancy and perpetuation of slavery, *denied the truth of it*. I know that Mr. Calhoun and all the politicians of his school denied the truth of the Declaration. I know that it ran along in the mouths of some Southern men for a period of years, ending at last in that shameful though rather forcible declaration of Pettit of Indiana, upon the floor of the United States Senate, that the Declaration of Independence

was in that respect "a self-evident lie," rather than a self-evident truth. But I say, with a perfect knowledge of all this hawking at the Declaration without directly attacking it, that three years ago there never had lived a man who had ventured to assail it in the sneaking way of pretending to believe it, and then asserting it did not include the negro. I believe the first man who ever said it was Chief-Justice Taney in the Dred Scott case, and the next to him was our friend, Stephen A. Douglas. And now it has become the catch-word of the entire party. I would like to call upon his friends everywhere to consider how they have come in so short a time to view this matter in a way so entirely different from their former belief? to ask whether they are not being borne along by an irresistible current—whither, they know not?

In answer to my proposition at Galesburg last week, I see that some man in Chicago has got up a letter addressed to the *Chicago Times*, to show, as he professes, that somebody *had* said so before; and he signs himself "An Old Line Whig," if I remember correctly. In the first place I would say, he *was not* an old line Whig. I am somewhat acquainted with old line Whigs. I was with the old line Whigs from the origin to the end of that party; I became pretty well acquainted with them, and I know they always had some sense, whatever else you could ascribe to them; I know there never was one who had not more sense than to try to show by the evidence he produces that some man had, prior to the time I named, said that negroes were not included in the term "all men" in the Declaration of Independence. What is the evidence he produces? I will bring forward *his* evidence and let you see what *he* offers by way of showing that somebody more than three years ago had said negroes were not included in the Declaration. He brings forward part of the speech from Henry Clay—the part of a speech of Henry Clay which I used to bring forward to prove precisely the contrary. I guess we are

surrounded to some extent to-day by the old friends of Mr. Clay, and they will be glad to hear anything from that authority. While he was in Indiana a man presented a petition to liberate his negroes, and he (Mr. Clay) made a speech in answer to it, which I suppose he carefully wrote out himself, and caused to be published. I have before me an extract from that speech which constitutes the evidence this pretended "Old Line Whig" at Chicago brought forward to show that Mr. Clay didn't suppose the negro was included in the Declaration of Independence. Hear what Mr. Clay said:

"And what is the foundation of this appeal to me in Indiana, to liberate the slaves under my care in Kentucky? It is a general declaration in the act announcing to the world the independence of the thirteen American colonies that all men are created equal. Now, as an abstract principle, *there is no doubt of the truth of that declaration*; and it is desirable, *in the original construction of society, and in organized societies*, to keep it in view as a great fundamental principle. But, then, I apprehend that in no society that ever did exist, or ever shall be formed, was or can the equality asserted among the members of the human race, be practically enforced and carried out. There are portions, large portions, women, minors, insane, culprits, transient sojourners, that will always probably remain subject to the government of another portion of the community.

"That declaration, whatever may be the extent of its import, was made by the delegations of the thirteen States. In most of them slavery existed, and had long existed, and was established by law. It was introduced and forced upon the colonies by the paramount law of England. Do you believe, that in making that declaration the States that concurred in it intended that it should be tortured into a virtual emancipation of all the slaves within their respective limits? Would Virginia and other Southern States have ever united in a declaration which was to be in-

terpreted into an abolition of slavery among them? Did any one of the thirteen colonies entertain such a design or expectation? To impute such a secret and unavowed purpose, would be to charge a political fraud upon the noblest band of patriots that ever assembled in council—a fraud upon the union of those States whose Constitution not only recognized the lawfulness of slavery, but permitted the importation of slaves from Africa until the year 1808."

This is the entire quotation brought forward to prove that somebody previous to three years ago had said the negro was not included in the term "all men" in the Declaration. How does it do so? In what way has it a tendency to prove that? Mr. Clay says *it is true as an abstract principle* that all men are created equal, but that we cannot practically apply it in all cases. He illustrates this by bringing forward the cases of females, minors, and insane persons, with whom it cannot be enforced; but, he says it is true as an abstract principle in the organization of society as well as in organized society, and it should be kept in view as a fundamental principle. Let me read a few words more before I add some comments of my own. Mr. Clay says a little further on:

"I desire no concealment of my opinions in regard to the institution of slavery. I look upon it as a great evil, and deeply lament that we have derived it from the parental government, and from our ancestors. But here they are, and the question is, how can they be best dealt with? If a state of nature existed, and we were about to lay the foundations of society, *no man would be more strongly opposed than I should be, to incorporating the institution of slavery among its elements.*"

Now, here in this same book—in this same speech—in this same extract brought forward to prove that Mr. Clay held that the negro was not included in the Declaration of Independence—is no such statement on his part, but the declara-

tion *that it is a great fundamental truth*, which should be constantly kept in view in the organization of society and in societies already organized. But if I say a word about it—if I attempt, as Mr. Clay said all good men ought to do, to keep it in view—if, in this "organized society," I ask to have the public eye turned upon it—if I ask in relation to the organization of new Territories, that the public eye should be turned upon it—forthwith I am villified as you hear me to-day. What have I done, that I have not the license of Henry Clay's illustrious example here in doing? Have I done aught that I have not his authority for, while maintaining that in organizing new Territories and societies, this fundamental principle should be regarded, and in organized society holding it up to the public view, and recognizing what *he* recognized as the great principle of free government?

And when this new principle—this new proposition that no human being ever thought of three years ago—is brought forward, *I combat it* as having an evil tendency, if not an evil design. I combat it as having a tendency to dehumanize the negro—to take away from him the right of ever striving to be a man. I combat it as being one of the thousand things constantly done in these days to prepare the public mind to make property, and nothing but property, of the *negro in all the States of this Union.*

But there is a point that I wish, before leaving this part of the discussion, to ask attention to. I have read and I repeat, the words of Henry Clay:

"I desire no concealment of my opinions in regard to the institution of slavery. I look upon it as a great evil, and deeply lament that we have derived it from the parental government, and from our ancestors. I wish every slave in the United States was in the country of his ancestors. But here they are; the question is, how they can best be dealt with? If a state of nature existed, and we were about to lay the foundations of society, no man would be more

strongly opposed than I should be, to incorporate the institution of slavery among its elements."

The principle upon which I have insisted in this canvass, is in relation to laying the foundations of new societies. I have ever sought to apply these principles to the old States, for the purpose of abolishing slavery in those States. It is nothing but a miserable perversion of what I *have* said, to assume that I have declared Missouri, or any other slave State, shall emancipate her slaves. I have proposed no such thing. But when Mr. Clay says that in laying the foundations of societies in our Territories where it does not exist, he would be opposed to the introduction of slavery as an element, I insist that we have *his warrant*—his license for insisting upon the exclusion of that element, which he declared in such strong and emphatic language *was most hateful to him*.

Judge Douglas has again referred to a Springfield speech in which I said "A house divided against itself cannot stand." The Judge has so often made the entire quotation from that speech that I can make it from memory. I used this language:

"We are now far into the fifth year since a policy was initiated with the avowed object and confident promise of putting an end to the slavery agitation. Under the operation of this policy, that agitation has not only not ceased, but has constantly augmented. In my opinion it will not cease until a crisis shall have been reached and passed. 'A house divided against itself cannot stand.' I believe this government cannot endure permanently half slave and half free. I do not expect the house to fall—but I do expect it will cease to be divided. It will become all one thing or all the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction, or its advocates will push it forward till it shall become alike lawful in all the States—old as well as new, North as well as South."

That extract and the sentiments expressed in it, have been extremely offensive to Judge Douglas. He has warred upon them as Satan wars upon the Bible. His perversions upon it are endless. Here now, are my views upon it in brief.

I said, we were now far into the fifth year, since a policy was initiated with the avowed object and confident promise of putting an end to the slavery agitation. Is it not so? When that Nebraska bill was brought forward four years ago last January, was it not for the "avowed object" of putting an end to the slavery agitation? We were to have no more agitation in Congress; it was all to be banished to the Territories. By the way, I will remark here, that, as Judge Douglas is very fond of complimenting Mr. Crittenden in these days, Mr. Crittenden has said there was a falsehood in that whole business, for there was *no slavery agitation at that time to allay*. We were for a little while *quiet* on the troublesome thing, and that very allaying plaster of Judge Douglas' stirred it up again. But was it not understood, or intimated, with the "confident promise" of putting an end to the slavery agitation? Surely it was. In every speech you heard Judge Douglas make, until he got into this "imbroglio," as they call it, with the administration, about the Lecompton constitution, every speech on that Nebraska Bill was full of his felicitations that we were *just at the end* of the slavery agitation. The last tip of the last joint of the old serpent's tail was just drawing out of view. But has it proved so? I have asserted that, under that policy that agitation "has not only not ceased, but has constantly augmented." When was there ever a greater agitation in Congress than last winter? When was it as great in the country as to-day?

There was a collateral object in the introduction of that Nebraska policy, which was to clothe the people of the Territories with the superior degree of self-government, beyond what they had ever had before. The first object, and the main one, of conferring upon the people a higher degree of "self-government," is a question of fact to be determined by you in answer to a single question. Have you ever heard, or known of a people, any

where on earth, who had as little to do, as, in the first instance of its use, the people of Kansas had with this same right of "self-government"? In its main policy, and in its collateral object, *it has been nothing but a living, creeping lie, from the time of its introduction till to-day.*

I have intimated that I thought the agitation would not cease until a crisis should have been reached and passed. I have stated in what way I thought it would be reached and passed. I have said that it might go one way or the other. We might, by arresting the further spread of it, and placing it where the fathers originally placed it, put it where the public mind should rest in the belief that it was in the course of ultimate extinction. Thus the agitation may cease. It may be pushed forward until it shall become alike lawful in all the States, old as well as new, North as well as South. I have said, and I repeat, my wish is that the further spread of it may be arrested, and that it may be placed where the public mind shall rest in the belief that it is in the course of ultimate extinction. I have expressed that as my wish. I entertain the opinion upon evidence sufficient to my mind, that the fathers of this government placed that institution where the public mind ~~did~~ rest in the belief that it was in the course of ultimate extinction. Let me ask why they made provision that the source of slavery—the African slave-trade—should be cut off at the end of twenty years? Why did they make provision that in all the new territory we owned at that time, slavery should be forever inhibited? Why stop its spread in one direction, and cut off its source in another, if they did not look to its being placed in the course of ultimate extinction?

Again: The institution of slavery is only mentioned in the Constitution of the United States two or three times, and in neither of these cases does the word "slavery," or "negro race," occur. In each case, covert language is used each time,

and for a purpose full of significance. What is the language in regard to the prohibition of the African slave-trade? It runs about in this way: "The migration, or importation, of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by Congress, prior to the year one thousand eight hundred and eight."

The next allusion in the Constitution to the question of slavery and the black race, is on the subject of the basis of representation, and there the language used is, "Representatives and direct taxes shall be apportioned among the several States which may be included in this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed—three-fifths of all other persons."

It says "persons," not slaves, not negroes; but this "three-fifths" can be applied to no other class among us than the negroes.

Lastly, in the provision for the reclamation of fugitive slaves, it is said: "No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due." There again, there is no mention of the word "negro" or of slavery. In all three of these places, being the only allusion to slavery in the instrument, covert language is used. Language is used not suggesting that slavery existed, or that the black race was among us. And I understand the contemporaneous history of those times to be that covert language was used with a purpose, and that purpose was that in our Constitution, which it was hoped, and it is still hoped, will endure forever—when it should be read by intelligent and patriotic men, after the institution of slavery had passed from among

us—there should be nothing on the face of the great charter of liberty suggesting that such a thing as negro slavery had ever existed among us. This is part of the evidence that the fathers of the government expected and intended the institution of slavery to come to an end. They expected and intended that it should be in the course of ultimate extinction. And when I say that I desire to see the further spread of it arrested, I only say I desire to see that done which the fathers have first done. When I say I desire to see it placed where the public mind will rest in the belief that it is in the course of ultimate extinction, I only say I desire to see it placed where they placed it. It is not true that our fathers, as Judge Douglas assumes, made this government part slave and part free. Understand the sense in which he puts it. He assumes that slavery is a rightful thing within itself—was introduced by the framers of the Constitution. The exact truth is, that they found the institution existing among us, and they left it as they found it. But, in making the government, they left this institution with many clear marks of disapprobation upon it. They found slavery among them, and they left it among them, because of the difficulty—the absolute impossibility of its immediate removal. And when Judge Douglas asks me why we cannot let it remain part slave and part free, as the fathers of the government made it, he asks a question based upon an assumption which is itself a falsehood; and I turn upon him and ask him the question, when the policy that the fathers of the government had adopted in relation to this element among us was the best policy in the world—the only wise policy—the only policy that we can ever safely continue upon—that will ever give us peace, unless this dangerous element masters us all, and becomes a national institution—I turn upon him and ask him why he could not leave it alone! I turn and ask him why he was driven to the necessity of introducing a new policy in regard to it. He has

himself said he introduced a new policy. He said so in his speech on the 22d of March of the present year, 1858. I ask him why he could not let it remain where our fathers placed it. I ask, too, of Judge Douglas and his friends, why we shall not again place this institution upon the basis on which the fathers left it. I ask you, when he infers that I am in favor of setting the free and slave States at war, when the institution was placed in that attitude by those who made the Constitution, *did they make any war?* If we had no war out of it, when thus placed, wherein is the ground of belief that we shall have war out of it, if we return to that policy? Have we had any peace upon this matter springing from any other basis? I maintain that we have not. I have proposed nothing more than a return to the policy of the fathers.

I confess, when I propose a certain measure of policy, it is not enough for me that I do not intend anything evil in the result, but it is incumbent on me to show that it has not a *tendency* to that result. I have met Judge Douglas in that point of view. I have not only made the declaration that I do not *mean* to produce a conflict between the States, but I have tried to show by fair reasoning, and I think I have shown to the minds of fair men, that I propose nothing but what has a most peaceful tendency. The quotation that I happened to make in that Springfield speech, that “a house divided against itself cannot stand,” and which has proved so offensive to the Judge, was part and parcel of the same thing. He tries to show that variety in the domestic institutions of the different States is necessary and indispensable. I do not dispute it. I have no controversy with Judge Douglas about that. I shall very readily agree with him, that it would be foolish for us to insist upon having a cranberry law here, in Illinois, where we have no cranberries, because they have a cranberry law in Indiana, where they have cranberries. I should insist that it would be exceeding wrong in us to deny to Vir-

ginia the right to enact oyster laws, where they have oysters, because we have no such laws here. I understand, I hope, quite as well as Judge Douglas or anybody else, that the variety in the soil and climate and face of the country, and consequent variety in the industrial pursuits and productions of a country, require systems of law conforming to this variety in the natural features of the country. I understand quite as well as Judge Douglas, that if we here raise a barrel of flour more than we want, and the Louisianians raise a barrel of sugar more than they want, it is of mutual advantage to exchange. That produces commerce, brings us together, and makes us better friends. We like one another the more for it. And I understand as well as Judge Douglas, or anybody else, that these mutual accommodations are the cements which bind together the different parts of the Union—that, instead of being a thing to “divide the house”—figuratively expressing the Union—they tend to sustain it; they are the props of the house, tending always to hold it up.

But when I have admitted all this, I ask if there is any parallel between these things and this institution of slavery? I do not see that there is any parallel at all between them. Consider it. When have we had any difficulty or quarrel amongst ourselves about the cranberry laws of Indiana, or the oyster laws of Virginia, or the pine lumber laws of Maine, or the fact that Louisiana produces sugar, and Illinois flour? When have we had any quarrels over these things? When have we had perfect peace in regard to this thing which I say is an element of discord in this Union? We have sometimes had peace, but when was it? It was when the institution of slavery remained quiet where it was. We have had difficulty and turmoil whenever it has made a struggle to spread itself where it was not. I ask, then, if experience does not speak in thunder-tones, telling us that the policy which has given peace to the country heretofore, being returned to, gives the greatest

promise of peace again? You may say, and Judge Douglas has intimated the same thing, that all this difficulty in regard to the institution of slavery is the mere agitation of office-seekers and ambitious Northern politicians. He thinks we want to get “his place,” I suppose. I agree that there are office-seekers amongst us. The Bible says somewhere that we are desperately selfish. I think we could have discovered that fact without the Bible. I do not claim that I am any less so than the average of men, but I do claim that I am not more selfish than Judge Douglas.

But is it true that all the difficulty and agitation we have had in regard to this institution of slavery springs from office-seeking—from the mere ambition of politicians? Is that the truth? How many times have we had danger from this question? Go back to the day of the Missouri compromise. Go back to the nullification question, at the bottom of which lay this same slavery question. Go back to the time of the annexation of Texas. Go back to the troubles that led to the compromise of 1850. You will find that every time, with the single exception of the nullification question, they sprang from an endeavor to spread this institution. There never was a party in the history of this country, and there probably never will be, of sufficient strength to disturb the general peace of the country. Parties themselves may be divided and quarrel on minor questions, yet it extends not beyond the parties themselves. But does *not* this question make a disturbance outside of political circles? Does it not enter into the churches, and rend them asunder? What divided the great Methodist church into two parts, North and South? What has raised this constant disturbance in every Presbyterian general assembly that meets? What disturbed the Unitarian church in this very city two years ago? What has jarred and shaken the great American tract society recently, not yet splitting it, but sure to divide it in the end? Is it

not this same mighty, deep-seated power that somehow operates on the minds of men, exciting and stirring them up in every avenue of society—in politics, in religion, in literature, in morals, in all the manifold relations of life? Is this the work of politicians? Is that irresistible power which for fifty years has shaken the government and agitated the people, to be stilled and subdued by pretending that it is an exceedingly simple thing, and we ought not to talk about it? If you will get everybody else to stop talking about it, I assure you I will quit before they have half done so. But where is the philosophy or statesmanship which assumes that you can quiet that disturbing element in our society which has disturbed us for more than half a century, which has been the only serious danger that has threatened our institutions—I say, where is the philosophy or the statesmanship based on the assumption that we are to quit talking about it, and that the public mind is all at once to cease being agitated by it? Yet this is the policy here in the North that Douglas is advocating—that we are to care nothing about it! I ask you, if it is not a false philosophy? Is it not a false statesmanship that undertakes to build up a system of policy upon the basis of caring nothing about *the very thing that everybody does care the most about*?—a thing which all experience has shown we care a very great deal about?

The Judge alludes very often in the course of his remarks to the exclusive right which the States have to decide the whole thing for themselves. I agree with him very readily that the different States have that right. He is but fighting a man of straw when he assumes that I am contending against the right of the States to do as they please about it. Our controversy with him is in regard to the new Territories. We agree that when States come in as States, they have the right and the power to do as they please. We have no power, as citizens of the free States, or in our Federal capacity as mem-

bers of the Federal Union through the general government, to disturb slavery in the States where it exists. We profess constantly that we have no more inclination than belief in the power of the government to disturb it; yet we are driven constantly to defend ourselves from the assumption that we are warring upon the rights of the States. What I insist upon is, that the new Territories shall be kept free from it while in the territorial condition. Judge Douglas assumes that we have no interest in them—that we have no right whatever to interfere. I think we have some interest. I think that as white men we have. Do we not wish for an outlet for our surplus population, if I may so express myself? Do we not feel an interest in getting at that outlet with such institutions as we would like to have prevail there? If you go to the Territory opposed to slavery and another man comes upon the same ground with his slave, with the assumption that the things are equal, it turns out that he has the equal right all his way, and you have no part of it your way. If he goes in and makes it a slave Territory, and by consequence a slave State, is it not time that those who desire to have it a free State were on equal ground? Let me suggest it in a different way. How many Democrats are there about here ["A thousand"] who left slave States and came into the free State of Illinois to get rid of the institution of slavery? [Another voice—"A thousand and one."] I reckon there are a thousand and one. I will ask you, if the policy you are now advocating had prevailed when this country was in a territorial condition, where would you have gone to get rid of it? Where would you have found your free State or Territory to go to? And when, hereafter, for any cause, the people in this place shall desire to find new homes, if they wish to be rid of the institution, where will they find the place to go to?

Now, irrespective of the moral aspect of this question, as to whether there is a right or



wrong in enslaving a negro, I am still in favor of our new Territories being in such a condition that white men may find a home—may find some spot where they can better their condition—where they can settle upon new soil and better their condition in life. I am in favor of this not merely (I must say it here as I have elsewhere) for our own people who are born amongst us, but as an outlet for *free white people everywhere*, the world over—in which Hans and Baptiste and Patrick, and all other men from all the world, may find new homes and better their conditions in life.

I have stated upon former occasions, and I may as well state again, what I understand to be the real issue in this controversy between Judge Douglas and myself. On the point of my wanting to make war between the free and the slave States, there has been no issue between us. So, too, when he assumes that I am in favor of introducing a perfect social and political equality between the white and black races. These are false issues upon which Judge Douglas has tried to force the controversy. There is no foundation in truth for the charge that I maintain either of these propositions. The real issue in this controversy—the one pressing upon every mind—is the sentiment on the part of the class that looks upon the institution of slavery *as a wrong*, and of another class that *does not* look upon it as a wrong. The sentiment that contemplates the institution of slavery in this country as a wrong is the sentiment of the Republican party. It is the sentiment around which all their actions—all their arguments, circle—from which all their propositions radiate. They look upon it as being a moral, social, and political wrong; and while they contemplate it as such, they nevertheless have due regard for its actual existence among us, and the difficulties of getting rid of it in any satisfactory way, and to all the constitutional obligations thrown about it. Yet, having a due regard for these, they desire a policy in regard

to it that looks to its not creating any more danger. They insist that it should as far as may be, *be treated* as a wrong, and one of the methods of treating it as a wrong is to *make provision that it shall grow no larger*. They also desire a policy that looks to a peaceful end of slavery at some time, as being wrong. These are the views they entertain in regard to it as I understand them; and all their sentiments—all their arguments and propositions, are brought within this range. I have said, and I repeat it here, that if there be a man amongst us who does not think that the institution of slavery is wrong, in any one of the aspects in which I have spoken, he is misplaced, and ought not to be with us. And if there be a man amongst us who is so impatient of it as a wrong as to disregard its actual presence among us, and the difficulty of getting rid of it suddenly in a satisfactory way, and to disregard the constitutional obligations thrown about it, the man is misplaced if he is on our platform. We disclaim sympathy with him in practical action. He is not placed properly with us.

On this subject of treating it as a wrong, and limiting its spread, let me say a word. Has anything ever threatened the existence of this Union save and except this very institution of slavery? What is it that we hold most dear among us? Our own liberty and prosperity. What has ever threatened our liberty and prosperity, save and except this institution of slavery? If this is true, how do you propose to improve the condition of things by enlarging slavery—by spreading it out and making it bigger? You may have a wen or cancer upon your person and not be able to cut it out, lest you bleed to death; but surely it is no way to cure it, to engraft it and spread it over your whole body. That is no proper way of treating what you regard a wrong. You see this peaceful way of dealing with it as a wrong—restricting the spread of it, and not allowing it to go into new countries where it has not already

existed. That is the peaceful way, the old-fashioned way, the way in which the fathers themselves set us the example.

On the other hand, I have said there is a sentiment which treats it as *not* being wrong. That is the Democratic sentiment of this day. I do not mean to say that every man who stands within that range positively asserts that it is right, and all who, like Judge Douglas, treat it as indifferent, and do not say it is either right or wrong. These two classes of men fall within the general class of those who do not look upon it as a wrong. And if there be among you anybody who supposes that he, as a Democrat, can consider himself "as much opposed to slavery as anybody," I would like to reason with him. You never treat it as a wrong. What other thing that you consider as a wrong, do you deal with as you deal with that? Perhaps you say it is wrong, *but your leader never does, and you quarrel with anybody who says it is wrong.* Although you pretend to say so yourself, you can find no fit place to deal with it as a wrong. You must not say anything about it in the free States, *because it is not here.* You must not say anything about it in the slave States, *because it is there.* You must not say anything about it in the pulpit, because that is religion and has nothing to do with it. You must not say anything about it in politics, *because that will disturb the security of "my place."* There is no place to talk about it as being a wrong, although you say yourself it is a wrong. But finally, you will screw yourself up to the belief that if the people of the slave States should adopt a system of gradual emancipation on the slavery question, you would be in favor of it. You say that is getting it in the right place, and you would be glad to see it succeed. But you are deceiving yourself. You all know that Frank Blair and Gratz Brown, down there in St. Louis, undertook to introduce that system in Missouri. They fought as valiantly as they could for the system of gradual emancipation which you pre-

tend you would be glad to see succeed. Now I will bring you to the test. After a hard fight they were beaten, and when the news came over here you threw up your hats and *hurrahed for Democracy.* More than that, take all the argument made in favor of the system you have proposed, and it carefully excludes the idea that there is any such thing wrong in the institution of slavery. The arguments to sustain that policy carefully excluded it. Even here to-day you heard Judge Douglas quarrel with me because I uttered a wish that it might some time come to an end. Although Henry Clay could say he wished every slave in the United States was in the country of his ancestors, I am denounced by those pretending to respect Henry Clay for uttering a wish that it might some time, in some peaceful way, come to an end. The Democratic policy in regard to that institution will not tolerate the merest breath, the slightest hint, of the least degree of wrong about it. Try it by some of Judge Douglas' arguments. He says he "don't care whether it is voted up or voted down" in the Territories. I do not care myself in dealing with that expression, whether it is intended to be expressive of his individual sentiments on the subject, or only of the national policy he desires to have established. It is alike valuable for my purpose. Any man can say that he does not see anything wrong in slavery, but no man can logically say it who does see a wrong in it; because no man can logically say he don't care whether a wrong is voted up or voted down. He may say he don't care whether an indifferent thing is voted up or down, but he must logically have a choice between a right thing and a wrong thing. He contends that whatever community wants slaves has a right to have them. So they have, if it is not a wrong. But if it is a wrong, he cannot say people have a right to do wrong. He says that upon the score of equality, slaves should be allowed to go in a new Territory, like other property. This is strictly logical if there

is no difference between it and other property. If it and other property are equal, his argument is entirely logical. But if you insist that one is wrong and the other right, there is no use to institute a comparison between right and wrong. You may turn over everything in the Democratic policy from beginning to end, whether in the shape it takes on the statute books, in the Dred Scott decision, in the shape it takes in conversation, or the shape it takes in short, maxim-like arguments—it everywhere carefully excludes the idea that there is anything wrong in it.

That is the real issue. That is the issue that will continue in this country when these poor tongues of Judge Douglas and myself shall be silent. It is the eternal struggle between these two principles, right and wrong—throughout the world; they are the two principles that have stood face to face from the beginning of time, and will ever continue to struggle. The one is the common right of humanity, and the other the divine right of kings. It is the same principle in whatever shape it develops itself. It is the same spirit that says, "You work and toil, and earn bread, and I'll eat it." No matter in what shape it comes, whether from the mouth of a king who seeks to bestride the people of his own nation and live by the fruit of their labor, or from one race of men as an apology for enslaving another race, it is the same tyrannical principle. I was glad to express my gratitude at Quincy, and I re-express it here to Judge Douglas—that *he looks to no end of the institution of slavery*. That will help the people to see where the struggle really is. It will hereafter place with us all men who really do wish the wrong may have an end. And whenever we can get rid of the fog which obscures the real question—when we can get Judge Douglas and his friends to avow a policy looking to its perpetuation—we can get out from among that class of men, and bring them to the side of those who treat it as a wrong. Then there will soon be an end of it, and that end will

be its "ultimate extinction." Whenever the issue can be distinctly made, and all extraneous matter thrown out so that men can fairly see the real difference between the parties, this controversy will soon be settled, and it will be done peaceably, too. There will be no war, no violence. It will be placed again where the wisest and best men of the world placed it. Brooks, of South Carolina, once declared that when this Constitution was framed, its framers did not look to the institution existing until this day. When he said this, I think he stated a fact that is fully borne out by the history of the times. But he also said they were better and wiser men than the men of these days; yet the men of these days have experience which they had not, and by the invention of the cotton-gin it became a necessity in this country that slavery should be perpetual. I now say that, willingly or unwillingly, purposely or without purpose, Judge Douglas has been the most prominent instrument in changing the position of the institution of slavery which the fathers of the government expected to come to an end ere this—and *putting it upon Brooks' cotton-gin basis*—placing it where he openly confesses he has no desire there shall ever be an end of it.

I understand I have ten minutes yet. I will employ it in saying something about this argument Judge Douglas uses, while he sustains the Dred Scott decision, that the people of the Territories can still somehow exclude slavery. The first thing I ask attention to is the fact that Judge Douglas constantly said, before the decision, that whether they could or not, *was a question for the Supreme Court*. But after the court has made its decision he virtually says it is *not* a question for the Supreme Court, but for the people. And how is it, he tells us, they can exclude it? He says it needs "police regulations," and that admits of "unfriendly legislation." Although it is a right established by the Constitution of the United States to take a slave into a Territory of the United States, and hold him as property,

yet, unless the Territorial Legislature will give friendly legislation, and, more especially, if they adopt unfriendly legislation, they can practically exclude him. Now, without meeting this proposition as a matter of fact, I pass to consider the real Constitutional obligation. Let me take the gentleman who looks me in the face before me, and let us suppose that he is a member of the Territorial Legislature. The first thing he will do, will be to swear that he will support the Constitution of the United States. His neighbor by his side in the Territory, has slaves, and needs territorial legislation, to enable him to enjoy that constitutional right. Can he withhold the legislation which his neighbor needs for the enjoyment of a right which is fixed in his favor in the Constitution of the United States, which he has sworn to support? Can he withhold it without violating his oath? Why, this is a *monstrous* sort of talk about the Constitution of the United States! *There has never been as outlandish or lawless a doctrine from the mouth of any respectable man on earth.* I do not believe it is a constitutional right to hold slaves in a Territory of the United States. I believe the decision was improperly made, and I go for reversing it. Judge Douglas is furious against those who go for reversing a decision. But he is for legislating it out of all force, while the law itself stands. I repeat that there never has been so monstrous a doctrine uttered from the mouth of a respectable man.

I suppose most of us (I know it of myself) believe that the people of the Southern States are entitled to a Congressional fugitive slave law—that is, a right fixed in the Constitution. But it cannot be made available to them without congressional legislation. In the Judge's language, it is a "barren right" which needs legislation, before it can become efficient and valuable to the persons to whom it is guaranteed. And, as the right is constitutional, I agree that the legislation shall be granted to it—and that, not that we like the institution of slavery. We

profess to have no taste for running and catching niggers—at least, I profess no taste for that job at all. Why, then, do I yield support to a fugitive slave law? Because I do not understand that the Constitution, which guarantees that right, can be supported without it. And if I believed that the right to hold a slave in a Territory, was equally fixed in the Constitution with the right to reclaim fugitives, I should be bound to give it the legislation necessary to support it. I say that no man can deny his obligation to give the necessary legislation to support slavery in a Territory, who believes it is a constitutional right to have it there. No man can, who does not give the Abolitionists an argument to deny the obligation enjoined by the Constitution to enact a fugitive slave law. Try it now. It is the strongest Abolition argument ever made. I say, if that Dred Scott decision is correct, then the right to hold slaves in a Territory is equally a constitutional right, with the right of a slaveholder to have his runaway returned. No one can show the distinction between them. The one is express, so that we cannot deny it. The other is construed to be in the Constitution, so that he who believes the decision to be correct, believes in the right. And the man who argues that, by unfriendly legislation, in spite of that constitutional right, slavery may be driven from the Territories, cannot avoid furnishing an argument by which Abolitionists may deny the obligation to return fugitives, and claim the power to pass laws unfriendly to the right of the slaveholder to reclaim his fugitive. I do not know how such an argument may strike a popular assembly like this, but I defy anybody to go before a body of men, whose minds are educated to estimating evidence and reasoning, and show that there is an iota of difference between the constitutional right to reclaim a fugitive, and the constitutional right to hold a slave in a Territory, provided this Dred Scott decision is correct. I defy any man to make an argument that will

justify unfriendly legislation, to deprive a slaveholder of his right to hold his slave in a Territory, that will not equally, in all its length, breadth and thickness, furnish an argument for nullifying the fugitive slave law. Why, there is not such an Abolitionist in the nation as Douglas, after all.

MR. DOUGLAS' REPLY.

Mr. Lincoln has concluded his remarks by saying that there is not such an Abolitionist as I am in all America. If he could make the Abolitionists of Illinois believe that, he would not have much show for the Senate. Let him make the Abolitionists believe the truth of that statement, and his political back is broken.

His first criticism upon me is the expression of his hope that the war of the administration will be prosecuted against me and the Democratic party of this State with vigor. He wants that war prosecuted with vigor; I have no doubt of it. His hopes of success, and the hopes of his party, depend solely upon it. They have no chance of destroying the Democracy of this State, except by the aid of Federal patronage. He has all the Federal office-holders here as his allies, running separate tickets against the Democracy to divide the party, although the leaders all intend to vote directly the Abolition ticket, and only leave the green-horns to vote [this separate ticket, who refuse to go into the Abolition camp. There is something really refreshing in the thought that Mr. Lincoln is in favor of prosecuting one war vigorously. It is the first war I ever knew him to be in favor of prosecuting. It is the first war I ever knew him to believe to be just or constitutional. When the Mexican war was being waged, and the American army was surrounded by the enemy in Mexico, he thought that war unconstitutional, unnecessary, and unjust. He thought it was not commenced on the right spot.

When I made an incidental allusion of that kind in the joint discussion over at Charleston, some weeks ago, Lincoln, in replying, said that I, Douglas, had charged him with voting against supplies for the Mexican war, and then he reared up full length, and swore that he never voted against the supplies—that it was a slander—and caught hold of Ficklin, who sat on the stand, and said, "Here, Ficklin, tell the people that it is a lie." Well, Ficklin, who had served in Congress with him, stood up and told them all that he recollected about it. It was, that when George Ashmun, of Massachusetts, brought forward a resolution, declaring the war unconstitutional, unnecessary, and unjust, that Lincoln had voted for it. "Yes," said Lincoln, "I did." Thus he confessed that he voted that the war was wrong, that our country was in the wrong, and consequently, that the Mexicans were in the right; but charged that I had slandered him by saying that he voted against the supplies. I never charged him with voting against the supplies in my life, because I knew that he was not in Congress when they were voted. The war was commenced on the 13th day of May, 1846, and on that day we appropriated in Congress ten millions of dollars, and fifty thousand men to prosecute it. During the same session we voted more men and more money, and at the next session, we voted more men and more money, so that by the time Mr. Lincoln entered Congress, we had enough men and enough money to carry on the war, and had no occasion to vote for any more. When he got into the House, being opposed to the war, and not being able to stop the supplies, because they had all gone forward, all he could do was to follow the lead of Corwin, and prove that the war was not begun on the right spot, and that it was unconstitutional, unnecessary, and wrong. Remember, too, that this he did after the war had been begun. It is one thing to be opposed to the declaration of a war, another, and very different thing, to take sides with the

enemy against your own country, after the war has been commenced. Our army was in Mexico at the time, many battles had been fought; our citizens, who were defending the honor of their country's flag, were surrounded by the daggers, the guns, and the poison of the enemy. Then it was that Corwin made his speech, in which he declared that the American soldiers ought to be welcomed by the Mexicans, with bloody hands and hospitable graves; then it was that Ashmun and Lincoln voted in the House of Representatives, that the war was unconstitutional and unjust; and Ashmun's resolution, Corwin's speech, and Lincoln's vote, were sent to Mexico, and read at the head of the Mexican army, to prove to them that there was a Mexican party in the Congress of the United States, who were doing all in their power to aid them. That a man who takes sides with the common enemy against his own country in time of war, should rejoice in a war being made on me now, is very natural. And in my opinion, no other kind of a man would rejoice in it.

Mr. Lincoln has told you a great deal to-day, about his being an old line Clay Whig. Bear in mind that there are a great many old Clay Whigs down in this region. It is more agreeable, therefore, for him to talk about the old Clay Whig party, than it is for him to talk Abolitionism. We did not hear much about the old Clay Whig party up in the Abolition districts. How much of an old line Henry Clay Whig, was he! Have you read General Singleton's speech at Jacksonville? You know that Gen. Singleton was, for twenty-five years, the confidential friend of Henry Clay in Illinois, and he testified that, in 1847, when the constitutional convention of this State was in session, the Whig members were invited to a Whig caucus, at the house of Mr. Lincoln's brother-in-law, where Mr. Lincoln proposed to throw Henry Clay overboard, and take up Gen. Taylor in his place, giving, as his reason, that if the Whigs did not take up Gen. Taylor, the Demo-

crats would. Singleton testified that Lincoln, in that speech, urged, as another reason for throwing Henry Clay overboard, that the Whigs had fought long enough for principle, and ought to begin to fight for success. Singleton also testifies that Lincoln's speech did have the effect of cutting Clay's throat, and that he (Singleton) and others, withdrew from the caucus in indignation. He further states that, when they got to Philadelphia to attend the national convention of the Whig party, Lincoln was there, the bitter and deadly enemy of Clay, and that he tried to keep him (Singleton) out of the convention, because he insisted on voting for Clay, and Lincoln was determined to have Taylor. Singleton says that Lincoln rejoiced with very great joy, when he found the mangled remains of the murdered Whig statesman lying cold before him. Now, Mr. Lincoln tells you that he is an old line Clay Whig! Gen. Singleton testifies to the facts I have narrated, in a public speech, which has been printed, and circulated broadcast over the State for weeks, yet not a lisp have we heard from Mr. Lincoln on the subject, except that he is an old Clay Whig.

What part of Henry Clay's policy did Lincoln ever advocate? He was in Congress in 1848-9, when the Wilmot Proviso warfare disturbed the peace and harmony of the country, until it shook the foundation of the Republic from its center to its circumference. It was that agitation that brought Clay forth from his retirement at Ashland again to occupy his seat in the Senate of the United States, to see if he could not, by his great wisdom and experience, and the renown of his name, do something to restore peace and quiet to a disturbed country. Who got up that sectional strife that Clay had to be called upon to quell? I have heard Lincoln boast that he voted forty-two times for the Wilmot proviso, and that he would have voted as many times more if he could. Lincoln is the man, in connection with Seward, Chase, Giddings, and other Abolitionists, who got up.

that strife that I helped Clay to put down. Henry Clay came back to the Senate in 1849, and saw that he must do something to restore peace to the country. The Union Whigs and the Union Democrats welcomed him the moment he arrived, as the man for the occasion. We believed that he, of all men on earth, had been preserved by Divine Providence to guide us out of our difficulties, and we Democrats rallied under Clay then, and you Whigs in nullification time rallied under the banner of old Jackson, forgetting party when the country was in danger, in order that we might have a country first, and parties afterward.

And this reminds me that Mr. Lincoln told you that the slavery question was the only thing that ever disturbed the peace and harmony of the Union. Did not nullification once raise its head and disturb the peace of this Union in 1832? Was that the slavery question, Mr. Lincoln? Did not disunion raise its monster head during the last war with Great Britain? Was that the slavery question, Mr. Lincoln? The peace of this country has been disturbed three times, once during the war with Great Britain, once on the tariff question, and once on the slavery question. His argument, therefore, that slavery is the only question that has ever created dissension in the Union, falls to the ground. It is true that agitators are enabled now to use this slavery question for the purpose of sectional strife. He admits that in regard to all things else, the principle that I advocate, making each State and Territory free to decide for itself, ought to prevail. He instances the cranberry laws, and the oyster laws, and he might have gone through the whole list with the same effect. I say that all these laws are local and domestic, and that local and domestic concerns should be left to each State and each Territory, to manage for itself. If agitators would acquiesce in that principle, there never would be any danger to the peace and harmony of the Union.

Mr. Lincoln tries to avoid the main issue by attacking the truth of my proposition, that our fathers made this government divided into free and slave States, recognizing the right of each to decide all its local questions for itself. Did they not thus make it? It is true that they did not establish slavery in any of the States, or abolish it in any of them; but finding thirteen States, twelve of which were slave and one free, they agreed to form a government uniting them together, as they stood divided into free and slave States, and to guaranty forever to each State the right to do as it pleased on the slavery question. Having thus made the government, and conferred this right upon each State forever, I assert that this government can exist as they made it, divided into free and slave States, if any one State chooses to retain slavery. He says that he looks forward to a time when slavery shall be abolished everywhere. I look forward to a time when each State shall be allowed to do as it pleases. If it chooses to keep slavery forever, it is not my business, but its own; if it chooses to abolish slavery, it is its own business—not mine. I care more for the great principle of self-government, the right of the people to rule, than I do for all the negroes in Christendom. I would not endanger the perpetuity of this Union, I would not blot out the great inalienable rights of the white men, for all the negroes that ever existed. Hence, I say, let us maintain this government on the principles that our fathers made it, recognizing the right of each State to keep slavery as long as its people determine, or to abolish it when they please. But, Mr. Lincoln says, that when our fathers made this government they did not look forward to the state of things now existing; and therefore he thinks the doctrine was wrong; and he quotes Brooks, of South Carolina, to prove that our fathers then thought that probably slavery would be abolished by each State acting for itself before this time. Suppose they did; suppose they did not foresee what has occurred—

does [that change the principles of our government? They did not probably foresee the telegraph that transmits intelligence by lightning, nor did they foresee the railroads that now form the bonds of union between the different States, or the thousand mechanical inventions that have elevated mankind. But do these things change the principles of the government? Our fathers, I say, made this government on the principle of each State to do as it pleases in its own domestic affairs, subject to the Constitution, and allowed the people of each to apply to every new change of circumstances such remedy as they may see fit to improve their condition. This right they have for all time to come.

Mr. Lincoln went on to tell you that he did not at all desire to interfere with slavery in the States where it exists, nor does his party. I expected him to say that down here. Let me ask him then, how he expects to put slavery in the course of ultimate extinction everywhere, if he does not intend to interfere with it in the States where it exists? He says that he will prohibit it in all the Territories, and the inference is, then, that, unless they make free States out of them, he will keep them out of the Union; for, mark you, he did not say whether or not he would vote to admit Kansas with slavery or not, as her people might apply (he forgot that as usual, etc.); he did not say whether or not he was in favor of bringing the Territories now in existence into the Union on the principle of Clay's compromise measures on the slavery question. I told you that he would not. His idea is that he will prohibit slavery in all the Territories, and thus force them all to become free States, surrounding the slave States with a cordon of free States, and hemming them in, keeping the slaves confined to their present limits whilst they go on multiplying until the soil on which they live will no longer feed them, and he will thus be able to put slavery in a course of ultimate extinction by starvation. He will extinguish slavery in the Southern States

as the French general did the Algerines when he smoked them out. He is going to extinguish slavery by surrounding the slave States, hemming in the slaves, and starving them out of existence, as you smoke a fox out of his hole. He intends to do that in the name of humanity and Christianity, in order that we may get rid of the terrible crime and sin entailed upon our fathers of holding slaves. Mr. Lincoln makes out that line of policy, and appeals to the moral sense of justice, and to the Christian feeling of the community to sustain him. He says that any man who holds to the contrary doctrine is in the position of the king who claimed to govern by divine right. Let us examine for a moment and see what principle it was that overthrew the Divine right of George the Third to govern us. Did not these colonies rebel because the British Parliament had no right to pass laws concerning our property and domestic and private institutions without our consent? We demanded that the British government should not pass such laws unless they gave us representation in the body passing them—and this the British government insisting on doing—we went to war, on the principle that the home government should not control and govern distant colonies without giving them representation. Now, Mr. Lincoln proposes to govern the Territories without giving them a representation, and calls on Congress to pass laws controlling their property and domestic concerns without their consent, and against their will. Thus he asserts for his party the identical principle asserted by George III. and the Tories of the Revolution.

I ask you to look into these things, and then tell me whether the Democracy or the Abolitionists are right. I hold that the people of a Territory, like those of a State (I use the language of Mr. Buchanan in his letter of acceptance), have the right to decide for themselves whether slavery shall or shall not exist within their limits. The point upon which Chief-



Justice Taney expresses his opinion is simply this, that slaves being property, stand on an equal footing with other property, and consequently that the owner has the same right to carry that property into a Territory that he has any other, subject to the same conditions. Suppose that one of your merchants was to take fifty or one hundred thousand dollars' worth of liquors to Kansas. He has a right to go there under that decision, but when he gets there he finds the Maine liquor law in force, and what can he do with his property after he gets it there? He cannot sell it, he cannot use it, it is subject to the local law, and that law is against him, and the best thing he can do is to bring it back into Missouri or Illinois, and sell it. If you take negroes to Kansas, as Col. Jeff Davis said in his Bangor speech, from which I have quoted to-day, you must take them there subject to the local law. If the people want the institution of slavery, they will protect and encourage it; but if they do not want it they will withhold that protection, and the absence of local legislation protecting slavery, excludes it as completely as a positive prohibition. You slaveholders of Missouri might as well understand what you know practically, that you cannot carry slavery where the people do not want it. All you have a

right to ask is, that the people shall do as they please; if they want slavery, let them have it; if they do not want it, allow them to refuse to encourage it.

My friends, if, as I have said before, we will only live up to this great fundamental principle, there will be peace between the North and the South. Mr. Lincoln admits that, under the Constitution on all domestic questions, except slavery, we ought not to interfere with the people of each State. What right have we to interfere with slavery any more than we have to interfere with any other question? He says that this slavery question is now the bone of contention. Why? Simply because agitators have combined in all the free States to make war upon it. Suppose the agitators in the States should combine in one-half of the Union to make war upon the railroad system of the other half? They would thus be driven to the same sectional strife. Suppose one section makes war upon any other peculiar institution of the opposite section, and the same strife is produced. The only remedy and safety is that we shall stand by the Constitution as our fathers made it, obey the laws they passed, while they stand the proper test and sustain the decisions of the Supreme Court and the constituted authorities







WENDELL PHILLIPS.

## WENDELL PHILLIPS.

**W**ENDELL PHILLIPS, one of the most gifted and eloquent orators America has ever produced, was born in Boston, Massachusetts, Nov. 29, 1811. His father was John Phillips, the first Mayor of Boston. Wendell was educated at Harvard College, from which institution he graduated in 1831. After the completion of his college course, he entered the Cambridge Law School, where he remained two years, and was admitted to the bar in 1834. His law practice, however, was of short duration.

In 1836 he came prominently before the public as a Garrison Abolitionist, and more prominently in 1839, when he relinquished his law practice, because of his unwillingness to swear allegiance to the Federal Constitution. He entered heart and soul into the anti-slavery movement, and labored without ceasing for the abolition of slavery, until it was finally destroyed by Presidential proclamation, Feb. 1, 1865. So interested was he in the enfranchisement of the colored race, that, before the war, he even went so far as to advocate disunion

as the only channel through which it could be secured. At the beginning of the war, he was a firm friend of the government, and sustained the President with all his powerful influence.

In 1870 Mr. Phillips was put forward by the temperance advocates and labor reformers as their candidate for governor of Massachusetts, and received nearly 20,000 votes. At a public meeting called in Faneuil Hall, Boston, in 1875, to denounce the policy of President Grant, as manifested in Louisiana, Mr. Phillips delivered a most telling speech in support of the President, which, for powerful logic and beauty of rhetoric, has seldom been equaled.

The principal subjects upon which Mr. Phillips' interest centers at present, are those of woman suffrage, prohibitory liquor laws, prison reform, and capital punishment; being an earnest advocate of the three first, and a bitter opponent of the latter. Since the abolition of slavery, his lectures have been chiefly on the above subjects, although his advanced age has prevented him from appearing in public for some time. His lectures,

which have been delivered in nearly all of the Northern States, are both numerous and popular; the most notable being that on "The Lost Arts," and his funeral eulogy on John Brown, the latter of which finds a place in this work.

As an orator, Mr. Phillips has few equals, and no superiors. His fellow citizens justly look upon him as a most

distinguished man, and wherever he speaks he is always greeted with a full house, and an appreciative audience. It is to be regretted that time has made such inroads upon his health, as to partially prevent him from appearing upon the lecture platform. His public utterances will always occupy a prominent place among the best thoughts of the age.

### BURIAL OF JOHN BROWN.

*Mr. Phillips' Speech, delivered at North Elba, N. Y., December 8, 1859.*

FELLOW-CITIZENS: How feeble words seem here! How can I hope to utter what your hearts are full of? I fear to disturb the harmony which his life breathes round his home. One and another of you, his neighbors, say, "I have known him five years;" "I have known him ten years." It seems to me as if we had none of us known him. How our admiring, loving wonder has grown, day by day, as he has unfolded trait after trait of earnest, brave, tender, Christian life! We see him walking with radiant, serene face to the scaffold, and think what an iron heart, what devoted faith! We take up his letters beginning: "My dear wife and children, every one,"—see him stoop on his way to the scaffold—and kiss that negro child—and this iron heart seems all tenderness. Marvelous old man! We have hardly said it when the loved forms of his sons, in the bloom of young devotion, encircle him, and we remember he is not alone, only the majestic center of a group. Your neighbor farmer went, surrounded by his household, to tell the slaves there were still hearts and right arms ready and nerved for their service. From this roof four, from a neighbor-

ing roof two, to make up that score of heroes. How resolute each looked into the face of Virginia, how loyally each stood at his forlorn post, meeting death cheerfully, till that master-voice said, "It is enough." And these weeping children and widow seem so lifted up and consecrated by long, single-hearted devotion to his great purpose, that we dare, even at this moment, to remind them how blessed they are in the privilege of thinking that in the last throbs of those brave young hearts which lie buried on the banks of the Shenandoah, thoughts of them mingled with love to God, and hope for the slave.

He has abolished slavery in Virginia. You may say this is too much. Our neighbors are the last men we know. The hours that pass us are the ones we appreciate the least. Men walked Boston streets when night fell on Bunker's Hill, and pitied Warren, saying, "Foolish man! Thrown away his life! Why didn't he measure his means better?" Now we see him standing colossal on that blood-stained sod, and severing that day the tie which bound Boston to Great Britain. That night George III.

ceased to rule in New England. History will date Virginian emancipation from Harper's Ferry. True, the slave is still there. So, when the tempest uproots a pine on your hills, it looks green for months—a year or two. Still, it is timber, not a tree. John Brown has loosened the roots of the slave system; it only breathes—it does not live—hereafter.

Men say, "How coolly brave!" But matchless courage seems the least of his merits. How gentleness graced it! When the frightened town wished to bear off the body of the mayor, a man said, "I will go, Miss Fowke, under their rifles, if you will stand between them and me!" He knew he could trust their gentle respect for a woman. He was right. He went into the thick of the fight, and bore off the body in safety. That same girl flung herself between Virginia rifles and your brave young Thompson. They had no pity. The pitiless bullet reached him, spite of the woman's prayers, though the fight had long been over. How God has blessed him! How truly he may say, "I have fought a good fight, I have finished my course." Truly he has finished—done his work. God granted him the privilege to look on his work accomplished. He said, "I will show the South that twenty men can take possession of a town, hold it twenty-four hours, and carry away all the slaves who wish to escape." Did he not do it? On Monday night he stood master of Harper's Ferry—could have left unchecked, with a score or a hundred slaves. The wide sympathy and secret approval are shown by the eager, quivering lips of lovers of slavery, asking, "Oh! why did he not take his victory and go away?"

Who checked him at last? Not startled Virginia. Her he had conquered. The Union crushed—seemed to crush him. In reality God said, "That work is done; you have proved that a slave State is only fear in the mask of despotism; come up higher, and baptize by your martyrdom a million hearts into holier life."

Surely such a life is no failure. How vast the change in men's hearts! Insurrection was a harsh, horrid word to millions a month ago. John Brown went a whole generation beyond it, claiming the right for white men to help the slaves to freedom by arms. And now men run up and down, not disputing his principle, but trying to frame excuses for Virginia's hanging so pure, honest, high-hearted, and heroic a man. Virginia stands at the bar of the civilized world on trial. Round her victim crowd the apostles and martyrs, all the brave, high souls who have said, "God is God," and trodden wicked laws under their feet.

As I stood looking at his grandfather's gravestone, brought here from Connecticut, telling as it does, of his death in the Revolution, I thought I could hear our hero-saint saying, "My fathers gave their sword to the oppressor—the slave still sinks before the pledged force of this nation. I give my sword to the slave my fathers forgot."

If any swords ever reflected the smile of Heaven, surely it was those drawn at Harper's Ferry. If our God is ever the Lord of hosts, making one man chase a thousand, surely that little band might claim him for their captain. Harper's Ferry was no single hour, standing alone—taken out from a common life—it was the flowering out of fifty years of single-hearted devotion. He must have lived wholly for one great idea, when those who owe their being to him, and those whom love has joined to the circle, group so harmoniously around him, each accepting serenely his and her part.

I feel honored to stand under such a roof. Hereafter you will tell children standing at your knee, "I saw John Brown buried—I sat under his roof." Thank God for such a master. Could we have asked a nobler representative of the Christian North putting her foot on the accursed system of slavery? As time passes, and these hours float back into history, men will see against the clear December sky that gallows,

and round it thousands of armed men guarding Virginia from her slaves! On the other side, the serene brow of that calm old man, as he stoops to kiss the child of a forlorn race. Thank God for our emblem! May He soon bring Virginia to blot out hers in repentant shame, and cover that hateful gallows and soldiery with thousands of broken fetters.

What lessons shall those lips teach us! Before that still, calm brow let us take a new baptism. How can we stand here without a fresh and utter consecration? These tears! how shall we dare even to offer consolation? Only lips fresh from such a vow have the right to mingle their words with your tears. We envy you your nearer place to these martyred children of God. I do not believe slavery will go down in blood. Ours is the age of thought. Hearts are stronger than swords. The last fortnight! How sublime its lesson! the Christian one of conscience—of truth. Virginia is weak, because each man's heart said Amen to John Brown.

His words—they are stronger even, than his rifles. These crushed a State. Those have changed the thoughts of millions, and will yet crush slavery. Men said, "Would he had died in arms!" God ordered better, and granted to him and the slave those noble prison hours—that single hour of death; granted him a higher than a soldier's place, that of teacher; the echoes of his rifles have died away in the hills—a million of hearts guard his words. God bless this roof—make it bless us. We dare not say bless you, children of this home! You stand nearer to one whose lips God touched, and we rather bend for your blessing. God make us all worthier of him whose dust we lay among these hills he loved. Here he girded himself, and went forth to battle. Fuller success than his heart ever dreamed, God granted him. He sleeps in the blessings of the crushed and the poor, and men believe more firmly in virtue, now that such a man has lived. Standing here, let us thank God for a firmer faith and fuller hope.









JEFFERSON DAVIS.

ENGRAVED FOR CARTONS AND ORATORY, FAIRBANKS, PALMER & CO., PUBLISHERS.

## JEFFERSON DAVIS.

**J**EFFERSON DAVIS was born June 3, 1808, in Christian county, Kentucky. He enjoyed the benefits of a good education; was appointed a Cadet at West Point Military Academy, and graduated with the class of 1828. He remained in the army until June, 1835, serving first as lieutenant of infantry at various Western posts from 1828 to 1833, and then as adjutant of First Dragoons in 1833-4. The next year was spent in frontier duty, and in 1835 he resigned, and settled as a cotton-planter in Warren county, Mississippi, and continued in the business for the succeeding ten years. During these years, he also became known in politics, having been chosen a Presidential elector from Mississippi in 1844, and a member of the National House of Representatives for the years 1845 and 1846.

When the war with Mexico broke out, he was commissioned colonel of the First Mississippi Rifle Volunteers. He served with distinction in the war, and was severely wounded at the battle of Buena Vista.

From 1847 to 1851, he was a member of the United States Senate, and during the last two years was chairman of the committee on military affairs. He served as Secretary of War during the administration of Franklin Pierce, and was, in 1857, again returned to the Senate, and was again placed at the head of the military committee. This position he retained until 1861, when he, with the other Southern members, withdrew from Congress, and returned to their homes to organize for the war which should establish the Southern Confederacy.

He was a member of the Provisional Congress, and served as president of the new government until its collapse in 1865, and his capture on the 10th of June of the same year.

He was confined in Fortress Monroe as a prisoner of war, until 1867, when he was released on parole. Since the war he has been engaged in the pursuits of private life, and literary labors. He has published a "History of the Southern Confederacy," which is of great interest as coming from one who had intimate acquaintance with the inside

conduct of affairs from the first to the last of the war. In the enforced retirement of private life Mr. Davis passes the evening of his days, enjoying the un-

enviable distinction of being almost the only one who has not been restored to the rights of citizenship, lost through complicity in the war of the rebellion.

### FAREWELL ADDRESS TO THE UNITED STATES SENATE.

*Delivered January 21, 1861.*

I rise, Mr. President, for the purpose of announcing to the Senate that I have satisfactory evidence that the State of Mississippi, by a solemn ordinance of her people in convention assembled, has declared her separation from the United States. Under these circumstances, of course, my functions are terminated here. It has seemed to me proper, however, that I should appear in the Senate to announce that fact to my associates, and I will say but very little more. The occasion does not invite me to go into argument; and my physical condition would not permit me to do so if it were otherwise, and yet it seems to become me to say something on the part of the State I here represent, on an occasion so solemn as this. It is known to Senators who have served with me here, that I have for many years advocated as an essential attribute of State sovereignty, the right of a State to secede from the Union. Therefore, if I had not believed there was justifiable cause; if I had thought that Mississippi was acting without sufficient provocation, or without an existing necessity, I should still, under my theory of the government, because of my allegiance to the State of which I am a citizen, have been bound by her action. I, however, may be permitted to say that I do think she has justifiable cause, and I approve of her act. I conferred with her people before that act was taken, counseled them then that if the state

of things which they apprehended should exist when the convention met, they should take the action which they have now adopted.

I hope none who hear me will confound this expression of mine with the advocacy of the right of a State to remain in the Union and to disregard its constitutional obligations by the nullification of the law. Such is not my theory. Nullification and secession, so often confounded, are indeed, antagonistic principles. Nullification is a remedy which it is sought to apply within the Union, and against the agents of the States. It is only to be justified when the agent has violated his constitutional obligation, and a State, assuming to judge for itself, denies the right of the agent thus to act, and appeals to the other States of the Union for a decision; but when the States themselves, and when the people of the States, have so acted as to convince us that they will not regard our constitutional rights, then, and then for the first time, arises the doctrine of secession in its practical application.

A great man who now reposes with his fathers, and who has been often arraigned for a want of fealty to the Union, advocated the doctrine of nullification because it preserved the Union. It was because of his deep-seated attachment to the Union, his determination to find some remedy for existing ills short of the severance of the ties which bound South Carolina to the

other States, that Mr. Calhoun advocated the doctrine of nullification, which he proclaimed to be peaceful, to be within the limits of State power, not to disturb the Union, but only to be a means of bringing the agent before the tribunal of the States for their judgment.

Secession belongs to a different class of remedies. It is to be justified upon the basis that the States are sovereign. There was a time when none denied it. I hope the time may come again when a better comprehension of the theory of our government, and the inalienable rights of the people of the States will prevent any one from denying that each State is a sovereign, and thus may reclaim the grants which it has made to any agent whomsoever.

I therefore say, I concur in the action of the people of Mississippi, believing it to be necessary and proper, and should have been bound by their action if my belief had been otherwise; and this brings me to the important point which I wish, on this last occasion, to present to the Senate. It is, by this confounding of nullification and secession that the name of a great man whose ashes now mingle with his mother earth, has been invoked to justify coercion against a seceding State. The phrase, "to execute the laws," was an expression which General Jackson applied to the case of a State refusing to obey the laws while yet a member of the Union. That is not the case which is now presented. The laws are to be executed over the United States, and upon the people of the United States. They have no relation with any foreign country. It is a perversion of terms, at least, it is a great misapprehension of the case, which cites that expression for application to a State which has withdrawn from the Union. You may make war on a foreign State. If it be the purpose of gentlemen, they may make war against a State which has withdrawn from the Union; but there are no laws of the United States to be executed within the limits of a seceded State. A State finding herself in the condition in which Mis-

issippi has judged she is; in which her safety requires that she should provide for the maintenance of her rights out of the Union, surrenders all the benefits (and they are known to be many), deprives herself of the advantages (they are known to be great), severs all the ties of affection (and they are close and enduring), which have bound her to the Union; and, thus divesting herself of every benefit, taking upon herself every burden, she claims to be exempt from any power to execute the laws of the United States within her limits.

I well remember an occasion when Massachusetts was arraigned before the bar of the Senate, and when the doctrine of coercion was rife, and to be applied against her, because of the rescue of a fugitive slave in Boston. My opinion then was the same as it is now. Not in the spirit of egotism, but to show that I am not influenced in my opinion because the case is my own, I refer to that time, and that occasion, as containing the opinion which I then entertained, and on which my present conduct is based. I then said, if Massachusetts, following her through a stated line of conduct, chooses to take the last step which separates her from the Union, it is her right to go, and I will neither vote one dollar nor one man to coerce her back; but will say to her, "God speed," in memory of the kind associations which once existed between her and the other States. It has been a conviction of pressing necessity, it has been a belief that we are to be deprived in the Union, of the rights which our fathers bequeathed to us, which has brought Mississippi into her present decision. She has heard proclaimed the theory that all men are created free and equal, and this made the basis of an attack on her social institutions; and the sacred Declaration of Independence has been invoked to maintain the position of the equality of the races. That Declaration of Independence is to be construed by the circumstances and purposes for which it was made. The communities were declaring

their independence; the people of those communities were asserting that no man was born—to use the language of Mr. Jefferson—booted and spurred to ride over the rest of mankind; that men were created equal—meaning the men of the political community; that there was no divine right to rule; that no man inherited the right to govern; that there were no classes by which power and place descended to families, but that all stations were equally within the grasp of each member of the body politic. These were the great principles they announced; these were the purposes for which they made their declaration; these were the ends to which their enunciation was directed. They have no reference to the slave; else, how happened it that, among the items of arraignment made against George III. was that he endeavored to do just what the North has been endeavoring of late to do—to stir up insurrection among our slaves? Had the Declaration announced that the negroes were free and equal, how was it the Prince was to be arraigned for stirring up insurrection among them? And how was this to be enumerated among the high crimes which caused the colonies to sever their connection with the mother country? When our Constitution was formed, the same idea was rendered more palpable, for there we find provision made for that very class of persons as property; they were not put upon the footing of equality with white men—not even upon that of paupers and convicts, but, so far as representation was concerned, were discriminated against as a lower caste only to be represented in a numerical proportion of three-fifths.

Then, Senators, we recur to the compact which binds us together; we recur to the principles upon which our government was founded; and when you deny them, and when you deny to us the right to withdraw from a government which, thus perverted, threatens to be destructive of our rights, we but tread in the path of our fathers when we proclaim our independence,

and take the hazard. This is done not in hostility to others, not to injure any section of the country, not even for our own pecuniary benefit, but from the high and solemn motive of defending and protecting the rights we inherited, and which it is our sacred duty to transmit unshorn to our children.

I find in myself, perhaps, a type of the general feeling of my constituents toward yours. I am sure I feel no hostility to you, Senators from the North. I am sure there is not one of you, whatever sharp discussion there may have been between us, to whom I cannot now say, in the presence of my God, "I wish you well," and such, I am sure, is the feeling of the people whom I represent toward those whom you represent. I therefore feel that I but express their desire when I say I hope, and they hope, for peaceful relations with you, though we must part. They may be mutually beneficial to us in the future as they have been in the past, if you so will it. The reverse may bring disaster on every portion of the country; and if you will have it thus, we will invoke the God of our fathers, who delivered them from the power of the lion, to protect us from the ravages of the bear, and thus, putting our trust in God, and in our firm hearts and strong arms, we will vindicate the right as best we may.

In the course of my service here, associated at different times with a great variety of Senators, I see now around me some with whom I have served long; there have been points of collision, but whatever of offense there has been to me, I leave here; I carry with me no hostile remembrance. Whatever offense I have given which has not been redressed, or for which satisfaction has not been demanded, I have, Senators, in this hour of our parting, to offer you an apology for any harm which, in the heat of discussion, I have inflicted. I go hence unencumbered of any injury received, and have discharged the duty of making the only reparation in my power for any injury offered.

Mr. President and Senators, having made the announcement which the occasion seemed to me to require, it only remains for me to bid you a final adieu.





ALEXANDER H. STEPHENS.

ENGRAVED FOR DRAYTON AND DRAYTON, BY FRANKS PALMER & CO. FINE ARTISTS

## ALEXANDER H. STEPHERS.

**A**LLEXANDER H. STEPHERS was born February 11, 1812, near Crawfordville, in Georgia. He received the best educational advantages of his State, graduating with honor from her University when only twenty years of age. He studied law and was admitted to the bar two years later, in 1834. He soon became prominent, both as a lawyer and politician, and many interesting accounts are given of events in his early practice. In 1836 he was elected a member of the lower house of the State Legislature, and by successive re-elections held the office until 1840. The next year he was elected to the State Senate, and three years later was a member of the National House of Representatives. In this latter position he continued until 1859. When the question of the annexation of Texas was up, he favored that measure, and supported the war which followed with Mexico.

He was an ardent supporter of Henry Clay for President in 1844; was an eloquent advocate of the compromise measure of 1850, and supported the

Kansas-Nebraska bill in 1854. When the Whig party died, he united with the Democrats, and was an able supporter of Buchanan's administration. He supported Douglas for the office of President in 1860, and in 1861 was a delegate to the Georgia Convention that passed the ordinance of secession. While maintaining the right of secession, he opposed that measure as unjustifiable at that time; but when the convention decided that it was advisable, he submitted to the majority, and cast his fortunes with the new venture. He was prominent in the provisional government of the Confederate States; a member of their congress, and was elected Vice President, in which capacity he served during the war.

When it was evident that the cause of the South was hopeless, he was sent to the head of the Southern delegation to the Hampton Roads Conference. After the close of the war he was arrested, and confined a prisoner of war in Ft. Warren for five months, but in October, 1865, was released on his own parole. The year following he was elected to the



United States Senate; but Congress ignored the proclamation of President Johnson, by which Georgia had been restored to its rights to participate in the duties of government, and Mr. Stephens was not admitted to the Senate. He has been a member of the House of Representatives most of the time since the restoration of Georgia, having been elected to fill the vacancy occasioned by the death of Ambrose R. Wright in the Forty-third Congress. On Nov. 7, 1882, he was elected Governor of Georgia.

There is, perhaps, no man in the South whose opinions have had more weight with the people of the Union, in general, than Alexander H. Stephens, and his "Constitutional View of the War Between the States" has always been regarded as the ablest statement of the Southern cause that has been published.

Mr. Stephens had been an invalid for many years, and died at an early hour on the morning of March 4, 1883, in the 72d year of his age.



## SECESSION.

*Mr. Stephens' Speech against Secession, delivered at Montgomery, Ga., in 1861.*

MR. PRESIDENT: This step of secession once taken, can never be recalled; and all the baleful and withering consequences that must follow, will rest on the convention for all coming time. When we and our posterity shall see our lovely South desolated by the demon of war, *which this act of yours will inevitably invite and call forth*; when our green fields of waving harvest shall be trodden down by the murderous soldiery and fiery car of war sweeping over our land; our temples of justice laid in ashes; all the horrors and desolations of war upon us; *who but this convention will be held responsible for it?* And who but him who shall have given his vote for this unwise and ill-timed measure, as I honestly think and believe, *shall be held to strict account for this suicidal act by the present generation, and probably cursed and execrated by posterity for all coming time*, for the wide and desolating ruin that will inevitably follow this

act you now propose to perpetrate? Pause, I entreat you, and consider for a moment what reasons you can give, that will even satisfy yourselves in calmer moments—what reason you can give to your fellow sufferers in the calamity that it will bring upon us. *What reasons can you give to the nations of the earth to justify it?* They will be the calm and deliberate judges in the case; and what cause or one overt act can you name or point, on which to rest the plea of justification? *What right has the North assailed?* What interest of the South has been invaded? What justice has been denied? And what claim founded in justice and right has been withheld? Can either of you, to-day, name one governmental act of wrong, deliberately and purposely done by the government of Washington, of which the South has a right to complain? I challenge the answer. While on the other hand, let me show the facts

(and believe me, gentlemen, I am not here the advocate of the North; but I am here the friend, the firm friend, and lover of the South, and her institutions, and for this reason I speak thus plainly and faithfully for yours, mine, and every other man's interest, the words of truth and soberness), of which I wish you to judge, and I will only state facts which are clear and undeniable, and which now stand as records authentic in the history of our country. When we of the South demanded the slave-trade, or the importation of Africans for the cultivation of our lands, did they not yield the right for twenty years? When we asked a three-fifths representation in Congress for our slaves, was it not granted? When we asked and demanded the return of any fugitive from justice, or the recovery of those persons owing labor or allegiance, was it not incorporated in the Constitution, and again ratified and strengthened by the fugitive slave law of 1850? But do you reply that in many instances they have violated this compact, and have not been faithful to their engagements? As individual and local communities, they may have done so; but not by the sanction of government; for that has always been true to Southern interests. Again, gentlemen, look at another act; when we have asked that more territory should be added, that we might spread the institution of slavery, have they not yielded to our demands in giving us Louisiana, Florida, and Texas, out of which four States have been carved, and ample territory for four more to be added in due time, if you, by this unwise and impolitic act do not destroy this hope, and, perhaps, by it lose all, and have your last slave wrenched from you by stern military rule, as South America and Mexico were; *or by the vindictive decree of a universal emancipation, which may reasonably be expected to follow.*

But, again, gentlemen, what have we to gain by this proposed change of our relation to the general government? We have always had

the control of it, and can yet, if we remain in it, and are as united as we have been. We have had a majority of the Presidents chosen from the South, as well as the control and management of most of those chosen from the North. We have had sixty years of Southern Presidents to their twenty-four, thus controlling the Executive department. So of the judges of the Supreme Court, we have had eighteen from the South, and but eleven from the North; although nearly four-fifths of the judicial business has arisen in the free States, yet a majority of the Court has always been from the South. This we have required so as to guard against any interpretation of the Constitution unfavorable to us. In like manner we have been equally watchful to guard our interests in the Legislative branch of government. In choosing the presiding Presidents (*pro tem.*) of the Senate, we have had twenty-four to their eleven. Speakers of the House we have had twenty-three, and they twelve. While the majority of the Representatives, from their greater population, have always been from the North, yet we have so generally secured the Speaker, because he, to a great extent, shapes and controls the legislation of the country. Nor have we had less control in every other department of the general government. Attorney-Generals we have had fourteen, while the North have had but five. Foreign ministers we have had eighty-six, and they but fifty-four. While three-fourths of the business which demands diplomatic agents abroad is clearly from the Free States, from their greater commercial interest, yet we have had the principal embassies, so as to secure the world-markets for our cotton, tobacco, and sugar on the best possible terms. We have had a vast majority of the higher offices of both army and navy, while a larger proportion of the soldiers and sailors were drawn from the North. Equally so of clerks, auditors, and controllers filling the executive department; the records show, for the last fifty years, that of

the three thousand thus employed, we have had more than two-thirds of the same, while we have but one-third of the white population of the Republic.

Again, look at another item, and one, be assured, in which we have a great and vital interest; it is that of revenue, or means of supporting government. From official documents, we learn that a fraction over three-fourths of the revenue collected for the support of the government has uniformly been raised from the North.

Pause now while you can, gentlemen, and contemplate carefully and candidly these important items. Look at another necessary branch of government, and learn from stern statistical facts how matters stand in that department. I mean the mail and post-office privileges that we now enjoy under the general government as it has been for years past. The expense for the transportation of the mail in the free States was, by the report of the post-master-general for the year 1860, a little over \$13,000,000, while the income was \$19,000,000. But in the slave States the transportation of the mail was \$14,716,000, while the revenue from the same was \$8,001,026, leaving a deficit of \$6,704,974, to be supplied by the North, for our accommodation, and without it, we must have been entirely cut off from this most essential branch of government.

Leaving out of view, for the present, the countless millions of dollars you must expend in a war with the North; with tens of thousands of your sons and brothers slain in battle, and offered up as sacrifices upon the altar of your ambition—and for what, we ask again? Is it for the overthrow of the American government, established by our common ancestry, cemented and built up by their sweat and blood, and founded on the broad principles of *right, justice* and *humanity*? And as such, I must declare here, as I have often done before, and which has been repeated by the greatest and wisest of statesmen and patriots, in this, and other lands, that it is the best and freest government—the most equal in its rights, the most just in its decisions, the most lenient in its measures, and the most aspiring in its principles, to elevate the race of men, that the sun of heaven ever shone upon. Now, for you to attempt to overthrow such a government as this, under which we have lived for more than three-quarters of a century—in which we have gained our wealth, our standing as a nation, our domestic safety, while the elements of peril are around us, with peace and tranquillity accompanied with unbounded prosperity and rights unassailed—is the height of *madness, folly*, and *wickedness*, to which I can neither lend my sanction nor my vote.



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*A. Lincoln*





## ABRAHAM LINCOLN.

**A**BRAHAM LINCOLN, the first martyr President of the United States, was born in Hardin, formerly Larne, county, Kentucky, February 12, 1809. When eight years of age his father removed with his family to an almost uninhabited region in Indiana, where thirteen years of his life were spent. The family was poor; the school privileges were limited and uncertain, yet, such as they were, they were eagerly grasped by the frontier boy, who hungered for knowledge, and improved every opportunity to increase his fund of information. The extent of his early education embraced only reading, writing, and the rudiments of arithmetic. To such a mind as Lincoln's, the ability to read was the open way to a life of usefulness and power.

In 1830 he removed to Illinois, where he assisted his father in opening up a new home on the north branch of the Sangamon river, near Decatur. While in Indiana he had made a flat-boat voyage to New Orleans, and in 1831 he assisted to build a boat, and made a second voyage to the same city. During this

voyage he witnessed some of the outrages and cruelties of slavery, which opened his eyes to the enormities of the system, and laid the foundation for his subsequent opinions and acts with reference to it. After his return from this trip, he remained for a few years in Salem, on the Sangamon, working as a clerk in a grocery store, where he occupied his spare moments in mastering the mysteries of grammar; trying to discover what kind of a noun he was; putting in practice what little knowledge he had of surveying, and part of the time filling the office of village postmaster. Here he also devoted a little of his time to the study of law. When the Black Hawk war broke out, he assisted in raising a company of volunteers, was elected captain, and served during the war. In 1834 he was elected a member of the legislature, and re-elected at the three succeeding biennial elections, after which he was not a candidate. In 1837 he was admitted to the bar, and settled for the practice of his profession at Springfield, which was selected as the capital of the state in 1839.



He was an active participant in the Presidential campaigns of 1840 and 1844, supporting Harrison in the former, and Clay in the latter. In 1846 he was elected to Congress; served but one term, and took no very prominent part in the proceedings of the sessions, but placing himself on record against the slave power and the Mexican war. After this he took apparently little interest in politics until the repeal of the Missouri Compromise, though the Kansas-Nebraska bill of 1854 sounded the note of alarm to the country, and aroused him from his seeming indifference.

When Stephen A. Douglas came to Springfield, on the occasion of the State Fair in 1854, to vindicate his course in championing this repeal, Lincoln was selected to reply to his address. This he did in such a masterly manner that the eyes of those opposed to the measure, in the State, were turned to him as their coming leader.

In 1855 he was a prominent candidate for the United States Senate, but was defeated by Trumbull. He was a member of the first Republican State Convention of Illinois, where he took outspoken grounds in opposition to slavery itself. When Fremont was nominated for President, in 1856, Mr. Lincoln was pressed by his State delegation for the second place on the ticket, but without success.

In 1858 he was the Republican candidate for Senator in opposition to Doug-

las, who was up for re-election. The latter was elected, but the ever-memorable debate between the two candidates in the principal cities of the State, gave Lincoln a national reputation, and sounded the battle-cry that eventually led to victory.

In 1860 he was the nominee of the Republican party for president, and was triumphantly elected, after a vigorous, and, in some respects, bitter campaign. As soon as the results of the election became known, ominous sounds of danger, which had been heard for months previous in the Southern States, became more and more distinct and threatening, and when, on the 4th of March, 1861, the new President took his seat, the storm-cloud of war was well defined and dark. The outbreak found the North united, but unprepared. The loyal states were ready for any work, but the raw material was to be prepared and organized for the most gigantic struggle for national life recorded in the annals of history.

Lincoln proved equal to the task. He surrounded himself with the ablest counselors in the nation. He called for the citizen-soldiers of the country, and they came, ready for the field of battle and of victory, or for the soldier's honored grave. He was a man of great heart, abounding tenderness, unflinching courage, and unfaltering faith in the triumph of the right. The one act by which he will be most prominently remembered

was the Proclamation of Emancipation, issued on the 1st of January, 1863, by which the shackles were struck from the hands of four millions of human beings, and they were bidden to stand forth in the sunlight of God, with the brand of the slave obliterated from their brows.

His biography from the 4th of March, 1861, to the 14th of April, 1865, when he was struck down by the hand of the cowardly assassin, is the history of his country, and will remain green in the memory of her loyal sons while liberty lives.

### LINCOLN AT GETTYSBURG.

*Mr. Lincoln's Speech at Gettysburg, delivered November 19, 1863.*

Four score and seven years ago our fathers brought forth upon this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal.

Now, we are engaged in a great civil war, testing whether that nation, or any nation, so conceived, and so dedicated, can long endure. We are met on a great battle-field of that war. We have come to dedicate a portion of that field as a final resting-place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.

But, in a large sense, we cannot dedicate—we cannot consecrate—we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated far above our poor power to add or detract. The world will little note, nor long remember what we *say* here, but it can never forget what they *did* here. It is for us, the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us, that from these honored dead we take increased devotion for that cause for which they gave the last full

measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom; and that a government of the people, by the people, and for the people, shall not perish from the earth.

### LINCOLN'S SECOND INAUGURAL ADDRESS.

*Delivered March 4th, 1865.*

FELLOW COUNTRYMEN: At this second appearing to take the oath of the Presidential office, there is less occasion for an extended address than there was at the first. Then, a statement, somewhat in detail, of a course to be pursued, seemed fitting and proper. Now, at the expiration of four years, during which public declarations have been constantly called forth on every point and phase of the great contest which still absorbs the attention and engrosses the energies of the nation, little that is new could be presented. The progress of our arms, upon which all else chiefly depends, is as well known to the public as to myself; and it is, I trust, reasonably satisfactory and encouraging to all. With high hope

for the future, no prediction in regard to it is ventured.

On the occasion corresponding to this, four years ago, all thoughts were anxiously directed to an impending civil war. All dreaded it; all sought to avert it. While the inaugural address was being delivered from this place, devoted altogether to saving the Union without war, insurgent agents were in the city, seeking to destroy it without war—seeking to dissolve the Union, and deride effects, by negotiation. Both parties deprecated war; but one of them would make war, rather than let the nation survive; and the other would accept, rather than let it perish. And the war came.

One-eighth of the whole population were colored slaves, not distributed generally over the Union, but localized in the Southern part of it. These slaves constituted a peculiar and powerful interest. All know that this interest was, somehow, the cause of the war. To strengthen, perpetuate, and extend this interest was the object for which the insurgents would rend the Union, even by war; while the government claimed no right to do more than to restrict the territorial enlargement of it. Neither party expected for the war the magnitude or the duration which it has already attained. Neither anticipated that the cause of the conflict might cease with, or even before, the conflict itself should cease. Each looked for an easier triumph, and a result less fundamental and astounding. Both read the same bible, and pray to the same God; and each invokes His aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the

sweat of other men's faces; but let us judge not, that we be not judged. The prayers of both could not be answered; that of neither has been answered fully. The Almighty has His own purposes. "Woe unto the world because of offences! for it must needs be that offences come, but woe to that man by whom the offence cometh." If we shall suppose American slavery is one of the offences which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both North and South this terrible war, as the woe due to those by whom the offence came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to him? Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said, "The judgments of the Lord are true and righteous altogether."

With malice toward none, with charity for all, with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nations' wounds; to care for him who shall have borne the battle, and for his widow, and his orphan; to do all which may achieve and cherish a just and a lasting peace among ourselves and with all nations.







OLIVER P. MORTON.

ENGRAVED FOR BRATTON AND BRATTON, FAIRBANKS, PALMER & CO. PUBLISHERS.

## OLIVER P. MORTON.

**O**LIVER P. MORTON, one of America's leading statesmen and political leaders, was born in Saulsbury, Wayne county, Indiana, August 4, 1823, and died November 1, 1877. After spending four years learning the hatter's trade, he abandoned it to advance his limited educational acquirements. He attended an academy in Wayne county, Indiana, for some time, and spent two years in Miami University, at Oxford, Ohio. After finishing his course in college, he began the study of law at Centerville, Indiana, in 1845, and two years later was admitted to the bar. He rose rapidly to prominence in his profession, and in 1852 was elected Judge of the Fifth Judicial Circuit of the State. He resigned this office the following year, and devoted himself to the practice of his profession.

Though his early affiliations had been with the Democratic party, he left it when the repeal of the Missouri Compromise, the Kansas-Nebraska bill, and other kindred measures, were forced upon the country by it, in the interests of the South and the slave power.

In 1856 he was nominated for Governor by those who opposed the Democratic party. He canvassed the state thoroughly, but was defeated. He gained such notoriety, however, that the eyes of the Republicans of his state were turned upon him as the coming leader.

In 1860 he was the Republican nominee for Lieutenant Governor, was elected, and, on the election of Governor Lane to the United States Senate, came to the gubernatorial chair in January, 1861. The work required of him in that position was such as to try his abilities to the utmost, but he was always equal to the task in the hour of trial. A very large portion of the people of his State sympathized with the South, and, if not willing to join them on the battlefield, wished to prevent any aid being given to the national government. Confronted with this strong opposition, Governor Morton determined to meet every call for help by the President, and at the same time overcome the opposition at home. Some of the State officers, and the Legislature being Democratic, made his work more difficult to accomplish.

He was obliged to procure money on his individual responsibility, that the Indiana volunteers might be suitably equipped for the field. The State afterward assumed the indebtedness, and paid it. During all the dark days of the war, he was the trusted friend and counselor of President Lincoln, and never wavered in his faith of the triumph of the right, and the firmer establishment of the Union.

In 1864 he was re-elected Governor by twenty thousand majority. The work required of him at home and abroad was more than any man could well endure. In 1865 he suffered from a paralytic stroke, and visited Europe, in hopes of being benefitted. In a few months he returned to his work.

He was elected to the Senate in 1867, and re-elected in 1873. He was a recognized leader of the Republican party, and one of the most laborious and tireless workers in the Senate. He served on the Committees of Foreign Relations, Military Affairs, Privileges and Elections, and Agriculture, and, though the work covered such a wide range of subjects, he carefully noted every measure that was brought before them, and exerted a

powerful influence in shaping the course of public affairs.

He was an earnest advocate of the submission and adoption of the Fifteenth amendment to the constitution, and favored President Grant's recommendation respecting San Domingo. He was offered the post of Minister to England, but, as his resignation would make way for the election of a Democrat to succeed him in the Senate, he declined the appointment.

In 1876 he was a prominent candidate before the Cincinnati Convention for the presidential nomination, and received 124 votes on the first ballot. He was a member of the electoral commission appointed to decide all disputed questions connected with counting the electoral vote in 1877. In the spring of the same year he was a member of the committee appointed to visit Oregon, and investigate certain charges of fraud in the election in that state. While returning east, after the accomplishment of this work, he suffered a second stroke of paralysis, from the effects of which he died, November 1st, 1877, in the midst of an honorable and useful career.



## RECONSTRUCTION.

*Mr. Morton's Speech, delivered in the United States Senate in 1867.*

MR. PRESIDENT: If I had not been referred to by my honorable friend from Wisconsin [Mr. Doolittle] in the debate yesterday, I should not desire to speak upon this question, especially at this time. I fear that I shall not have the strength to say what I wish to.

The issue here to-day is the same which prevails throughout the country, which will be the issue of this canvass, and perhaps for years to come. To repeat what I have had occasion to say elsewhere, it is between two permanent ideas, each struggling for the supremacy. One is, that the war to suppress the rebellion was right and just on our part; that the rebels forfeited their civil and political rights, and can only be restored to them upon such conditions as the nation may prescribe for its future safety and prosperity. The other idea is, that the rebellion was not sinful, but was right; that those engaged in it forfeited no rights, civil or political, and have a right to take charge of their State governments and be restored to their representations in Congress, just as if there had been no rebellion, and nothing had occurred. The immediate issue before the Senate now, is between the existing State governments established under the policy of the President of the United States in the rebel States, and the plan of reconstruction presented by Congress.

When a surveyor first enters a new territory he endeavors to ascertain the exact latitude and longitude of a given spot, and from that can safely begin his survey; and so I will endeavor to ascertain a proposition in this debate upon which both parties are agreed, and start from that proposition. That proposition is, that at the end of the war, in the spring of 1865, the

rebel States were without State governments of any kind. The loyal State governments, existing at the beginning of the war, had been overturned by the rebels; the rebel State governments erected during the war had been overturned by our armies, and at the end of the war there were no governments of any kind existing in those States. This fact was recognized distinctly by the President of the United States in his proclamation, under which the work of reconstruction was commenced in North Carolina in 1865, to which I beg leave to refer. The others were mere copies of this proclamation. In that proclamation he says:

"AND WHEREAS, The rebellion which has been waged by a portion of the people of the United States against the properly constituted authorities of the government thereof, in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has in its revolutionary progress deprived the people of the State of North Carolina of all civil government."

Here the President must be allowed to speak for his party, and I shall accept this as a proposition agreed upon on both sides—that at the end of the war there were no governments of any kind existing in those States.

The fourth section of the fourth article of the Constitution declares that "the United States shall guarantee to every State in this Union a republican form of government." This provision contains a vast undefined power that has never yet been ascertained—a great supervisory power given to the United States to enable them to keep the States in their orbits, to preserve them from anarchy, revolution, and rebellion. The measure of power thus conferred upon the government of the United States can only be determined by that which is requisite to



guarantee and maintain in each State a legal and republican form of government. Whatever power, therefore, may be necessary to enable the government of the United States to maintain in each State a republican form of government, is conveyed by this provision.

Now, Mr. President, when the war ended, and those States were found without governments of any kind, the jurisdiction of the United States, under this provision of the Constitution, at once attached the power to reorganize State governments, to use the common record, to reconstruct, to maintain and guaranty Republican State governments in those States, at once attached under this provision. Upon this proposition there is also a concurrence of the two parties. The President has distinctly recognized the application of this clause of the Constitution. He has recognized the fact that its jurisdiction attached when those States were found without Republican State governments, and he himself claimed to act under this clause of the Constitution. I will read the preamble of the President's proclamation:

"WHEREAS, the fourth section of the fourth article of the Constitution of the United States declares that the United States shall guaranty to every State in the Union a Republican form of government, and shall protect each of them against invasion, and domestic violence; and, whereas, the President of the United States is by the Constitution made Commander-in-Chief of the Army and Navy, as well as chief civil executive officer of the United States, and is bound by solemn oath faithfully to execute the office of President of the United States, and to take care that the laws be faithfully executed; and, whereas, the rebellion which has been waged by a portion of the people of the United States against the properly constituted authorities of the government thereof in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has in its revolutionary progress deprived the people of the State of North Carolina of all civil government; and, whereas, it becomes necessary and proper to carry out and enforce the obligations of the United States to the people of North Carolina in securing them in the employment of a Republican form of government."

I read this, Mr. President, for the purpose of showing that the President of the United States, in his policy of reconstruction, started out with a distinct recognition of the applicability of this

clause of the Constitution, and that he based his system of reconstruction upon it. It is true he recites in this proclamation, that he is Commander-in-Chief of the Army and Navy of the United States; but, at the same time, he puts his plan of reconstruction, not upon the exercise of the military power, which is called to its aid, but on the execution of the guarantee provided by the clause of the Constitution to which I have referred. He appoints a Governor for North Carolina and for these other States, the office being civil in its character, but military in its effects. This Governor has all the power of one of the district commanders, and, in fact, far greater power than was conferred upon General Pope or General Sheridan, or any general in command of a district; for it is further provided:

"That the military commander of the department, and all officers and persons in the military and naval service, aid and assist the said provisional governor in carrying into effect this proclamation."

We are then, agreed upon the second proposition, that the power of the United States to reconstruct and guaranty Republican forms of government at once applied when these States were found in the condition in which they were, at the end of the war. Then, sir, being agreed upon these two propositions, we are brought to the question as to the proper form of exercising this power, and by whom it shall be exercised. The constitution says that "the United States shall guaranty to every State in this Union a Republican form of government." By the phrase "United States" here is meant the government of the United States. The United States can only act through the government, and the clause would mean precisely the same thing if it read "The government of the United States shall guaranty to every State in this Union a Republican form of government."

Then, as the government of the United States is to execute this guarantee, the question arises, What constitutes the government of the United States? The President does not constitute the government; the Congress does not constitute

the government; the judiciary does not constitute the government; but all three together constitute the government; and as this guarantee is to be executed by the government of the United States, it follows necessarily that it must be a legislative act. The President could not assume to execute the guarantee without assuming that he was the United States within the meaning of that provision; without assuming that he was the government of the United States. Congress could not of itself assume to execute the guarantee without assuming that it was the government of the United States; nor could the judiciary without a like assumption. The act must be the act of the government, and therefore it must be a legislative act, a law passed by Congress, submitted to the President for his approval, and perhaps, in a proper case, subject to be reviewed by the judiciary.

Mr. President, that this is necessarily the case, from the simple reading of the Constitution, seems to me, cannot be for a moment denied. The President, in assuming to execute this guarantee himself, is assuming to be the government of the United States, which he clearly is not, but only one of its co-ordinate branches; and, therefore, as this guarantee must be a legislative act, it follows that the attempt on the part of the President to execute the guarantee was without authority, and that the guarantee can only be executed in the form of a law, first to be passed by Congress, and then to be submitted to the President for his approval, and if he does not approve it, then to be passed over his head by a majority of two-thirds in each House. That law, then, becomes the execution of the guarantee, and is the act of the government of the United States.

Mr. President, this is not an open question. I send to the Secretary, and ask him to read, a part of the decision of the Supreme Court of the United States, in the case of *Luther vs. Borden*, as reported in 7 Howard.

The Secretary read as follows:

"Moreover, the Constitution of the United States, as far as it has provided for an emergency of this kind, and authorized the general government to interfere in the domestic concerns of a State, has treated the subject as political in its nature, and placed the power in the hands of that department.

"The fourth section of the fourth article of the Constitution of the United States provides that the United States shall guaranty to every State in the Union a republican form of government, and shall protect each of them against invasions; and upon the application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic violence.

"Under this article of the Constitution, it rests with Congress to decide what government is the established one in a State. For, as the United States guarantees to each State a republican government, Congress must necessarily decide what government is established in the State, before it can determine whether it is republican or not. And when the Senators and Representatives of a State are admitted into the councils of the Union, the authority of the government under which they are appointed, as well as its republican character, is recognized by the proper constitutional authority. And its decision is binding upon every other department of the government, and could not be questioned in a political tribunal. It is true that the contest in this case did not last long enough to bring the matter to this issue; and as no Senators or Representatives were elected under the authority of the government of which Mr. Dorr was the head, Congress was not called upon to decide the controversy. Yet the right to decide is placed there, and not in the courts."

MR. MORTON. In this opinion of the Supreme Court of the United States delivered many years ago, the right to execute the guarantee provided for in this clause of the Constitution, is placed in Congress, and nowhere else, and, therefore, the necessary reading of the Constitution is confirmed by the highest judicial authority, which we have.

MR. JOHNSON. Do you read from the opinion delivered by the Chief-Justice?

MR. MORTON. Yes, sir; the opinion delivered by Chief-Justice Taney. He decides that this power is not judicial; that it is one of the high powers conferred upon Congress; that it is not subject to be reviewed by the Supreme Court, because it is political in its nature. It is a distinct enunciation of the doctrine, that this guarantee is not to be executed by the President, or by the Supreme Court, but by the Congress of the United States, in the form of a law to be passed by that body, and to be submitted to the President for his approval; and, should he

disapprove it, it may become a law, by being passed by a two-thirds majority over his head.

Now, I will call the attention of my friend from Wisconsin, to some other authority. As he has been pleased to refer to a former speech of mine, to show that I am not quite consistent, I will refer to a vote given by him in 1864, on a very important provision. On the 1st of July, 1864, the Senate, having under consideration, as in Committee of the Whole, "a bill to guaranty to certain States, whose governments have been usurped, or overthrown a republican form of government," Mr. Brown of Missouri, offered an amendment to strike out all of the bill, after the enacting clause, and to insert a substitute, which I will ask the Secretary to read.

The Secretary read as follows:

"That when the inhabitants of any State have been declared in a state of insurrection against the United States, by proclamation of the President, by force and virtue of the act entitled, 'An act further to provide for the collection of duties on imports, and for other purposes,' approved July 13, 1861, they shall be, and are hereby declared to be, incapable of casting any vote for electors of President or Vice-President of the United States, or of electing Senators, or Representatives in Congress, until said insurrection, in said State, is suppressed or abandoned, and said inhabitants have returned to their obedience to the government of the United States, and until such return to obedience shall be declared by proclamation of the President, issued by virtue of an act of Congress, hereafter to be passed, authorizing the same."

MR. MORTON. The honorable Senator from Wisconsin voted for that in Committee of the Whole, and on its final passage. I call attention to the conclusion of the amendment, which declares that they shall be—

"Incapable of casting any vote for electors of President, or Vice-President of the United States, or of electing Senators or Representatives in Congress, until said insurrection in said States is suppressed or abandoned, and said inhabitants have returned to their obedience to the government of the United States, and until such return, and obedience shall be declared by proclamation of the President, issued by virtue of an act of Congress, hereafter to be passed, authorizing the same."

Recognizing that a state of war shall be regarded as continuing, until it shall be declared no longer to exist, by the President, in virtue of an act of Congress, to be hereafter passed. I

am glad to find by looking at the vote, that the distinguished Senator from Maryland [Mr. Johnson] voted for this proposition, and thus recognized the doctrine for which I am now contending; that the power to execute the guarantee is vested in Congress alone, and that it is for Congress alone to determine the status and condition of those States, and that the President has no power to proclaim peace, or to declare the political condition of those States, until he shall first have been thereunto authorized by an act of Congress.

I, therefore, Mr. President, take the proposition as conclusively established, both by reason and authority, that this clause of the Constitution can be executed only by Congress; and taking that as established, I now proceed to consider what are the powers of Congress in the execution of the guarantee, how it shall be executed, and what means may be employed for that purpose. The Constitution does not define the means. It does not say how the guarantee shall be executed. All that is left to the determination of Congress. As to the particular character of the means that must be employed, that, I take it, will depend upon the peculiar circumstances of each case; and the extent of the power will depend upon the other question as to what may be required for the purpose of maintaining or guarantying a loyal "Republican form of government" in each State. I use the word "loyal," although it is not used in the Constitution, because loyalty is an inhering qualification, not only in regard to persons who are to fill public offices, but in regard to State governments, and we have no right to reorganize a State government that is not loyal to the government of the United States. Now, sir, as to the use of means that are not prescribed in the Constitution, I call the attention of the Senate to the eighteenth clause of section eight of the first article of the Constitution of the United States, which declares that:

"The Congress shall have power to make all laws

which shall be necessary and proper for carrying into execution the foregoing powers and all others vested by this Constitution in the government of the United States, or any department or officer thereof."

There is a declaration of what would otherwise be a general principle anyhow, that Congress shall have the power to pass all laws necessary to carry into execution all powers that are vested in the government under the Constitution. As Congress has the power to guarantee or maintain a loyal Republican government in each State, it has the right to use whatever means may be necessary for that purpose. As I have before remarked, the character of the means will depend upon the character of the case. In one case it may be the use of an army; in another case perhaps, it may be simply presenting a question to the courts, and having it tested in that way; in another case it may go to the very foundation of the government itself. And I now propound this proposition; that, if Congress, after deliberation, after long and bloody experience, shall come to the conclusion that loyal Republican State governments cannot be erected and maintained in the rebel States upon the basis of the white population, it has a right to raise up, and make voters of a class of men who had no right to vote under the State laws. This is simply the use of the necessary means in the execution of the guarantee. If we have found after repeated trials, that loyal Republican State governments, governments that shall answer the purpose that such governments are intended to answer, cannot be successfully founded upon the basis of the white population, because the great majority of that population is disloyal, then Congress has a right to raise up a new loyal voting population for the purpose of establishing these governments in the execution of the guarantee. I think, sir, this proposition is so clear that it is not necessary to elaborate it. We are not required to find in the Constitution a particular grant of power for this purpose; but we find a general grant of power, and find also another grant of power, authorizing us to use

whatever means may be necessary to execute the first; and we find that the Supreme Court of the United States has said that the judgment of Congress upon this question shall be conclusive, that it cannot be reviewed by the courts, that it is a purely political matter; and, therefore, the determination of Congress, that raising up colored men to the right of suffrage is a means necessary to the execution of that power, is a determination which cannot be reviewed by the courts, and is conclusive upon the people of this country.

The President of the United States, assuming that he had the power to execute this guarantee, and basing his proclamation upon it, went forward in the work of reconstruction. It was understood at that time—it was so announced, if not by himself, at least formally by the Secretary of State, Mr. Seward—that the governments which he would erect during the vacation of Congress were to be erected as provisional only, that his plan of reconstruction, and the work that was to be done under it, would be submitted to Congress for its approval or disapproval at the next session. If the President had adhered to that determination, I believe that all would have been well, and that the present state of things would not exist. But, sir, the Executive undertook finally to execute the guarantee himself without the co-operation of Congress. He appointed provisional governors, giving to them unlimited power until such time as the new State governments should be erected. He prescribed in his proclamation who should exercise the right of suffrage in the election of delegates. And allow me one moment to refer to that. He says in his proclamation:

"No person shall be qualified as an elector, or shall be eligible as a member of such convention, unless he shall have previously taken, and subscribed the oath of amnesty as set forth in the President's proclamation of May 29, A. D. 1865."—

Which was issued on the same day, and was a part of the same transaction—

"And is a voter qualified as prescribed by the Consti-

tution and laws of the State of North Carolina in force, immediately before the 20th day of May, A. D. 1861."

The persons having the right to vote, must have the right to vote by the laws of the State, and must, in addition to that, have taken the oath of amnesty.

The President disfranchised in voting for delegates to the conventions, from two hundred and fifty thousand, to three hundred thousand men. His disfranchisement was far greater than that which has been done by Congress. In the proclamation of amnesty, he says:

"The following classes of persons are excepted from the benefits of this proclamation"—

He then announced fourteen classes of persons:

"1. All who are, or shall have been, pretended, civil, or diplomatic officers, or otherwise domestic, or foreign agents, of the pretended Confederate government."

\* \* \* \* \*

"13. All persons who have voluntarily participated in said Rebellion, and the estimated value of whose taxable property is over twenty thousand dollars."

And twelve other classes, estimated to number at the least, two hundred and fifty thousand, or three hundred thousand men, while the disfranchisement that has been created by Congress, does not extend perhaps to more than forty-five thousand, or fifty thousand persons, at the furthest. These provisional Governors, under the authority of the President, were to call conventions; they were to hold the elections, and they were to count the votes; they were to exercise all the powers that are being exercised by the military commanders, under the reconstruction acts of Congress. After those Constitutions were formed, the President went forward, and accepted them, as being loyal and Republican in their character. He authorized the voters under them to proceed to elect Legislatures, members of Congress, and the Legislatures to elect Senators to take seats in this body. In other words, the President launched those State governments into full life and activity without consultation with, or co-operation on the part of Congress.

Now, sir, when it is claimed that these governments are legal, let it be remembered that they took their origin under a proceeding instituted by the President of the United States, in the execution of this guarantee, when it now stands confessed that he could not execute the guarantee. But, even if he had the power, let it be further borne in mind, that those Constitutions were formed by conventions that were elected by less than one-third of the white voters in the States at that time; that the conventions were elected by a small minority, even of the white voters, and that those constitutions, thus formed by a very small minority, have never been submitted to the people of those States for ratification. How can it be pretended for a moment, even admitting the President had the power to start forward in the work of reconstruction, that those State governments are legal, formed by a small minority, never ratified by the people, the people never having had a chance to vote for them. They stand as mere arbitrary constitutions, established not by the people of the several States, but simply by force of Executive power.

And, sir, if we shall admit those States to representation on this floor, and in the other House, under those constitutions, when the thing shall have got beyond our keeping, and they are fully restored to their political rights, they will then rise up and declare that those constitutions are not binding upon them, that they never made them; and they will throw them off, and with them, will go those provisions which were incorporated therein, declaring that slavery should never be restored, and that their war debt was repudiated. Those provisions were put into those constitutions, but they have never been sanctioned by the people of these States, and they will cast them out as not being their act and deed, as soon as they shall have been restored to political power in this government. Therefore, I say, that, even if he concedes that the President had the power, which

he had not, to start forward in the execution of this guarantee, there can still be no pretense that those governments are legal and authorized, and that we are bound to recognize them.

The President of the United States, in his proclamation, declared that those governments were to be formed only by the loyal people of those States; and I beg leave to call the attention of the Senate to that clause in his proclamation of reconstruction. He says:

"And with the authority to exercise, within the limits of said State, all the powers necessary and proper to enable such loyal people of the State of North Carolina, to restore said State, to its constitutional relations with the Federal government."

Again, speaking of the army:

"And they are enjoined to abstain from, in any way hindering, impeding, or discouraging the loyal people from the organization of a State government as herein authorized."

Now, sir, so far from those State governments having been organized by the loyal people, they were organized by the disloyal; every office passed into the hands of a Rebel; the Union men had no part or lot in those governments, and so far from answering the purpose for which governments are intended, they failed to extend protection to the loyal men, either white or black. The loyal men were murdered with impunity; and I will thank any Senator upon this floor to point out a single case in any of the Rebel States where a Rebel has been tried and brought to punishment by the civil authority for the murder of a Union man. Not one case, I am told, can be found. Those governments utterly failed in answering the purpose of civil governments; and not only that, but they returned the colored people to a condition of *quasi* slavery; they made them the slaves of society instead of being, as they were before, the slaves of individuals. Under various forms of vagrant laws they deprived them of the rights of free-men, and placed them under the power and control of their Rebel masters, who were filled with hatred and revenge.

But, Mr. President, time passed on. Con-

gress assembled in December, 1865. For a time it paused. It did not at once annul those governments. It hesitated. At last, in 1866, the constitutional amendment, the fourteenth article, was brought forward as a basis of settlement and reconstruction; and there was a tacit understanding, though it was not embraced in any law or resolution, that, if the Southern people should ratify and agree to that amendment, then their State governments would be accepted. But that amendment was rejected, contemptuously rejected. The Southern people, counseled and inspired by the Democracy of the North, rejected that amendment. They were told that they were not bound to submit to any conditions whatever; that they had forfeited no rights by rebellion. Why, sir, what did we propose by this amendment? By the first section we declared that all men born upon our soil were citizens of the United States—a thing that had long been recognized by every department of this government until the Dred Scott decision was made in 1857. The second section provided that where a class or race of men were excluded from the right of suffrage they should not be counted in the basis of representation—an obvious justice that no reasonable man for a moment could deny; that if four million people down South were to have no suffrage, the men living in their midst, and surrounding them, and depriving them of all political rights, should not have members of Congress on their account. I say, the justice of the second article has never been successfully impugned by any argument. I care not how ingenious it may be. What was the third clause? It was that the leaders of the South, those men who had once taken an official oath to support the Constitution of the United States, and had afterward committed perjury by going into the rebellion, should be made ineligible to any office under the government of the United States, or of a State. It was a very small disfranchisement. It was intended to withhold power from those leaders

by whose instrumentality we had lost nearly half a million lives and untold treasure. The justice of that disfranchisement could not be disproved. And what was the fourth clause of the amendment? That this government should never assume nor pay any part of the Rebel debt; that it should never pay the Rebels for their slaves. This was bitterly opposed in the North as well as in the South. How could any man oppose that amendment unless he was in favor of this government assuming a portion or all of the Rebel debt, and in favor of paying the Rebels for their slaves? When the Democratic party North and South opposed that most important, and perhaps hereafter to be regarded as vital amendment, they were committing themselves in principle, as they had been before by declaration, to the doctrine that this government was bound to pay for the slaves, and that it was just and right that we should assume and pay the Rebel debt.

This amendment, as I have before said, was rejected, and when Congress assembled in December, 1866, they were confronted by the fact that every proposition of compromise had been spurned by the Rebels themselves, and they had nothing left to do but to begin the work of reconstruction themselves; and in February, 1867, Congress for the first time entered upon the execution of the guarantee provided for in the Constitution by the passage of the first reconstruction law. A supplementary bill was found necessary in March, another one in July, and I believe another one is found necessary at this time, but the power is with Congress. Whatever it shall deem necessary, whether it be in the way of colored suffrage, whether it be in the way of military power—whatever Congress shall deem necessary in the execution of this guarantee, is conclusive upon the courts, upon every State, and upon the people of this nation.

Sir, when Congress entered upon this work, it had become apparent to all men that loyal Republican State governments could not be

erected and maintained upon the basis of the white population. We had tried them. Congress had attempted the work of reconstruction through the constitutional amendment by leaving the suffrage with the white men, and by leaving with the white people of the South the question as to when the colored people should exercise the right of suffrage, if ever; but when it was found that those white men were as rebellious as ever, that they hated this government more bitterly than ever; when it was found that they persecuted the loyal men, both white and black, in their midst; when it was found that Northern men who had gone down there were driven out by social tyranny, by a thousand annoyances, by the insecurity of life and property, then it became apparent to all men of intelligence that reconstruction could not take place upon the basis of the white population, and something else must be done.

Now, sir, what was there left to do? Either we must hold these people continually by military power, or we must use such machinery upon such a new basis as would enable loyal Republican State governments to be raised up; and in the last resort, and I will say Congress waited long, the nation waited long, experience had to come to the rescue of reason before the thing was done—in the last resort, and the last thing to be done, Congress determined to dig through all the rubbish, dig through the soil and the shifting sands, and go down to the eternal rock, and there, upon the basis of the everlasting principle of equal and exact justice to all men, we have planted the column of reconstruction; and, sir, it will arise slowly but surely, and “the gates of hell shall not prevail against it.” Whatever dangers we apprehend from the introduction of the right of suffrage of seven hundred thousand men just emerged from slavery, were put aside in the presence of a greater danger. Why, sir, let me say frankly to my friend from Wisconsin that I approached universal colored suffrage in the South reluct-

antly. Not because I adhered to the miserable dogma that this was the white man's government, but because I entertained fears about at once intrusting a large body of men just from slavery, to whom education had been denied by law, to whom the marriage relation had been denied, who had been made the basest and most abject slaves, with political power. And as the Senator has referred to a speech I made in Indiana in 1865, allow me to show the principle that then actuated me, for in that speech I said:

"In regard to the question admitting the freedmen of the Southern States to vote, while I admit the equal rights of all men, and that in time all men will have the right to vote, without distinction of color or race, I yet believe that in the case of four millions of slaves just freed from bondage, there should be a period of probation and preparation before they are brought to the exercise of political power."

Such was my feeling at that time, for it had not then been determined by the bloody experience of the last two years that we could not reconstruct upon the basis of the white population, and such was the opinion of a great majority of the people of the North; and it was not until a year and a half after that time that Congress came to the conclusion that there was no way left but to resort to colored suffrage, and suffrage to all men, except those who were disqualified by the commission of high crimes and misdemeanors.

Mr. President, we hear much said in the course of the debate, and through the press, about the violation of the Constitution. It is said that in the reconstruction measures of Congress we have gone outside of the Constitution, and the remark of some distinguished statesman of the Republican party is quoted to that effect. Sir, if any Republican has ever said so he spoke only for himself, not for another. I deny the statement *in toto*. I insist that these reconstruction measures are as fully within the powers of the Constitution as any legislation that can be had, not only by reason, but by authority. And who are the men that are talking so much about the violation of the Constitu-

tion, and who pretend to be the especial friends of that instrument? The great mass of them only three years ago were in arms to overturn the Constitution, and establish that of Montgomery in its place, or were their Northern friends, who were aiding and sympathizing in that undertaking.

I had occasion the other day to speak of what was described as a Constitutional Union man—a man living inside of the Federal lines during the war, sympathizing with the rebellion, and who endeavored to aid the rebellion by insisting that every measure for the purpose of suppressing it was a violation of the Constitution of the United States. Now, these men who claim to be the especial friends of the Constitution are the men who have sought to destroy it by force of arms, and those throughout the country who have given them aid and comfort. Sir, you will remember that once a celebrated French woman was being dragged to the scaffold, and as she passed the statue of liberty, she exclaimed: "How many crimes have been committed in thy name!" and I can say to the Constitution, How many crimes against liberty, humanity, and progress, are being committed in thy name by these men who, while they loved not the Constitution, and sought its destruction, now, for party purposes, claim to be its especial friends.

My friend from Wisconsin yesterday compared what he called the Radical party of the North to the radicals of the Senate, and when he was asked the question by some Senator, "Who are the Radicals of the Senate?" he said, "They are the secessionists." Sir, the secessionists of the South are Democrats to-day, acting in harmony and concert with the Democratic party. They were Democrats during the war who prayed for the success of McClellan and Pendleton, and who would have been glad to vote for them. They were Democrats during the war, men who sympathized with the rebellion, who aided in bringing it on. These are the Radicals of the South, and my friend from



Wisconsin, after all, is acting with that Radical party.

The burden of his speech yesterday was that the reconstruction measures of Congress are intended to establish negro supremacy. Sir, this proposition is without any foundation whatever. I believe it was stated yesterday, by the Senator from Illinois [Mr. Trumbull] that in every State but two, the white voters registered, outnumbered the colored voters; and the fact that in two States, the colored voters outnumbered the white voters, is owing to the simple accident that there are more colored men in those States, than there are white men. Congress has not sought to establish negro supremacy, nor has it sought to establish the supremacy of any class, or party of men. If it had sought to establish negro supremacy, it would have been an easy matter, by excluding from the right of suffrage, all men who had been concerned in the Rebellion, and confining suffrage only to those who were left. That would have established negro supremacy, by giving the negroes an overwhelming majority in every State; and if that had been the object of Congress, it could have been readily done. But, sir, Congress has only sought to divide the political power between the loyal and the disloyal. It has disfranchised some fifty thousand disloyal leaders, leaving all the rest of the people to vote. They have been disfranchised upon both sides, that neither should be placed in the power of the other. The rebels have the right to vote, so that they shall not be under the control and power of the Union men only, and the Union men have been allowed to vote, so that they shall not be under the control and power of the Rebels. This is the policy, to divide the political power among those men for the protection of each. Sir, the charge that we intend to create a negro supremacy, or colored State governments, is without the slightest foundation, for it would have been in the power of Congress to have easily conferred such su-

premacy by simply excluding the disloyal from the right of suffrage—a power which it had the clear right to exercise.

Now, Mr. President, allow me to consider for a moment, the amendment offered by the Senator from Wisconsin, and upon which his speech was made, and see what is its effect—should it become a law. I will ask the Secretary to read the amendment which the Senator from Wisconsin has proposed to the Senate.

The Secretary read as follows:

*"Provided nevertheless,* That, upon an election for the ratification of any constitution, or of officers under the same, previous to its adoption in any State, no person not having the qualifications of an elector under the Constitution and laws of such State, previous to the late Rebellion, shall be allowed to vote, unless he shall possess one of the following qualifications, namely,

"1. He shall have served as a soldier in the Federal army, for one year or more.

"2. He shall have sufficient education to read the Constitution of the United States, and to subscribe his name to an oath, to support the same; or

"3. He shall be seized in his own right, or in the right of his wife, of a freehold of the value of \$250."

MR. MORTON. Sir, these qualifications are, by the terms of the amendment, to apply to those who were not authorized to vote by the laws of the State, before the Rebellion—in other words, the colored man. He proposes to allow a colored man to vote, if he has been in the Federal army one year, and he proposes to allow a Rebel white man to vote, although he has served in the Rebel army four years! He proposes that a colored man shall not vote, unless he has sufficient education to read the Constitution of the United States, and to subscribe his name to an oath to support the same, whereas he permits a Rebel white man to vote, who never heard of A and does not know how to make his mark, even to a note given for whisky. [Laughter.]

Again, sir, he proposes that the colored man shall not vote, unless he shall be seized in his own right, or in the right of his wife, of a freehold of the value of \$250, a provision which, of course, would cut off nine hundred and ninety-nine out of every thousand colored

men in the South. The colored man cannot vote, unless he has a freehold of \$250, but the white Rebel, who was never worth twenty-five cents, who never paid poll-tax in his life, never paid an honest debt, is to be allowed to vote. Sir, what would be the inevitable effect of the adoption of this amendment? To cut off such a large part of the colored vote as to leave the Rebel white vote largely in the ascendancy, and to put these new State governments, there to be formed, again into the hands of the Rebels. Sir, I will not spend longer time upon that.

My friend yesterday alluded to my indorsement of the President's policy in a speech in 1865. I never indorsed what is now called the President's policy. In the summer of 1865, when I saw a division coming between the President and the Republican party, and when I could not help anticipating the direful consequences that must result from it, I made a speech in which I repelled certain statements that had been made against the President, and denied the charge, that, by issuing his proclamation of May 29, 1865, he had thereby left the Republican party. I said that he had not left the Republican party by that act. I did show that the policy of that proclamation was even more Radical than that of Mr. Lincoln. I did show that it was more Radical even than the Winter-Davis bill, of the summer of 1864. But, sir, it was all upon the distinct understanding that, whatever the President did, his whole policy or action was to be submitted to Congress for its consideration and decision; and, as I before remarked, if that had been done, all would have been well. I did not then advocate universal colored suffrage in the South, and I have before given my reasons for it, and in doing that, I was acting in harmony with the great body of the Republican party of the North. It was nearly a year after that time, when Congress passed the constitutional amendment, which still left the question of suffrage with the Southern States, left it with the white peo-

ple; and it was not until a year and a half after that time, that Congress came to the conclusion, that we could not execute the guarantee of the Constitution without raising up a new class of loyal voters.

And, sir, nobody concurred in that result more heartily than myself. I confess (and I do it without shame) that I have been educated by the great events of this war. The American people have been educated rapidly; and the man who says he has learned nothing, that he stands now where he did six years ago, is like an ancient mile-post by the side of a deserted highway. We, Mr. President, have advanced step by step. When this war began we did not contemplate the destruction of slavery. I remember well when the Crittenden resolution was passed, declaring that the war was not prosecuted for conquest, or to overturn the institutions of any State. I know that that was intended as an assurance that slavery should not be destroyed, and it received the vote, I believe, of every Republican member in both Houses of Congress; but in a few months after that time it was found by the events of the war, we could not preserve slavery and suppress the rebellion, and we must destroy slavery—not prosecute the war to destroy slavery—but destroy slavery to prosecute the war. Which was the better? To stand by the resolution, and let the Union go, or to stand by the Union, and let the resolution go? Congress could not stand by that pledge, and it was "more honored in the breach than the observance." Mr. Lincoln issued his proclamation of emancipation, setting free the slaves of rebels. It was dictated by the stern and bloody experience of the times. Mr. Lincoln had no choice left him. When we began this contest no one thought we would use colored soldiers in the war. The distinguished Senator sitting by me here [Mr. Cameron], when, in the winter of 1861, he first brought forward the proposition, as Secretary of War, to use colored soldiers, was greatly in advance

of public opinion, and was thought to be visionary; but, as the war progressed, it became manifest to all intelligent men that we must not only destroy slavery, but we must avail ourselves of every instrumentality in our power for the purpose of putting down the rebellion, and the whole country accorded in the use of colored soldiers, and gallant and glorious service they rendered. In 1864 a proposition was brought forward in this body to amend the Constitution of the United States by abolishing slavery. We do not think that is very radical now, but it was very radical then; it was the great measure of the age, and almost of modern times, and it was finally passed; an amendment setting free every human being within the limits of the United States. But, sir, we were very far then from where we are now. All will remember the celebrated Winter-Davis bill, passed in June, 1864, which took the power of reconstruction out of the hands of the President, where it did not in fact, belong.

I refer to Mr. Lincoln; but if that bill had passed it would perhaps have resulted in the destruction of this government. We can all see it now, although it was then thought to be the most radical measure of the times. What did it propose? It proposed to prescribe a plan, to take effect when the war should end, by which these rebel States should be restored. I refer to that bill simply to show how we have all traveled. It required but one condition, or guarantee, on the part of the South, and that was that they should put in their Constitutions a provision prohibiting slavery. It required no other guarantee; it required no equalization of representation; no security against Rebel debts, or against payment for emancipated slaves; and it confined the right of suffrage to white men. But it was thought to be a great step in advance at the time, and so it was; but events were passing rapidly, and in 1865 the President came forward with his proposition, and I am stating what is true from an examina-

tion of the documents, when I say that, but for the want of power with the President, his scheme in itself considered was far more radical than that of the Winter-Davis bill; but events were rapidly teaching the statesmen of the time that we could not reconstruct upon that basis.

Still, Congress was not prepared to take a forward step until the summer of 1866, in the passage of the constitutional amendment, which we now regard as a half-way measure, necessary and vital as far as it went, but not going far enough. That was rejected, and we were then compelled to go further, and we have now fallen upon the plan of reconstruction which I have been considering. It has been dictated by the logic of events. It overrides all arguments, overrides all prejudices, overrides all theory, in the presence of the necessity for preserving the life of this nation; and, if future events shall determine that we must go further, I for one am prepared to say that I will go as far as shall be necessary to the execution of this guarantee, the reconstruction of this Republic upon a right basis, and the successful restoration of every part of this Union.

Mr. President, the column of reconstruction, as I before remarked, has risen slowly. It has not been hewn from a single stone. It is composed of many blocks, painfully laid up, and put together, and cemented by the tears and blood of the nation. Sir, we have done nothing arbitrarily. We have done nothing for punishment, aye, too little for punishment. Justice has not had her demand. Not a man yet has been executed for this great treason. The arch fiend himself is now at liberty upon bail. No man is to be punished; and now, while punishment has gone by, as we all know, we are insisting only upon security for the future. We are simply asking that the evil spirits who brought this war upon us shall not again come into power during this generation, again to bring upon us rebellion and calamity. We are simply asking


for those securities that we deem necessary for our peace, and the peace of our posterity.

Sir, there is one great difference between this Union party and the so-called Democratic party. Our principles are those of humanity; they are those of justice; they are those of equal rights; they are principles that appeal to the hearts and consciences of men; while on the other side we hear appeals to the prejudice of race against race. The white man is overwhelmingly in the majority in this country, and that majority is yearly increased by half a million of white men from abroad, and that majority gaining in proportion from year to year, until the colored men will finally be but a handful in this country; and yet we hear the prejudices of the white race appealed to, to crush this other race, and to prevent it from rising to supremacy and power. Sir,

there is nothing noble, there is nothing generous, there is nothing lovely in that policy, or that appeal. How does that principle compare with ours? We are standing upon the broad platform of the Declaration of Independence, that "All men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness." We say, that these are not given by laws; are not given by the Constitution; but they are the gift of God to every man born into the world. Oh, sir, how glorious is this principle compared with the inhuman—I might say the heathenish appeal to the prejudice of race against race; the endeavor further to excite the strong against the weak; the endeavor further to deprive the weak of their rights of protection against the strong!



## THADDEUS STEVENS.

HADDEUS STEVENS was born at Danville, Caledonia county, Vermont, on April 4, 1792. His father was a soldier in the war of 1812, and died while in the service, leaving his family in destitute circumstances. Thaddeus had an eager thirst for knowledge, and desired to obtain a thorough collegiate education. His mother assisted him in gratifying this desire, making everything else bend to the advancement of his plans. His preparatory studies were pursued at Peacham Academy, in his native county, and two years were spent in the University of Vermont. He then entered Dartmouth College, and graduated in 1814. He chose the law for his profession; entered at once upon the study of it; removed to York, Pennsylvania, in 1815, where he taught in an academy, pursued his studies, and was admitted to the bar in 1816. Soon after he settled in Gettysburg, Adams county, Pennsylvania, and entered upon the practice of his profession with energy, and soon acquired an extensive and lucrative business. In 1828-29 Mr. Stevens seems

first to have taken part in politics. At that time the Anti-Masonic excitement was high, and he joined the party in opposition to secret societies. From 1833 to 1840 he was, most of the time, a member of the Legislature, where he was recognized as a leader of his party. When, in 1837-8, the convention to revise the Constitution, of which he was an active member, disfranchised the colored race, by inserting the word "white," Mr. Stevens stood alone in refusing to sign his name to the work of the convention, and, on account of that act, opposed its ratification by the people. In 1842 he retired for a time from politics, removed to Lancaster county, devoted himself to the practice of his profession, increased his already bright reputation, and improved his crippled finances. In 1848, and again in 1850, he was elected to Congress, where he took an active part in opposition to the repeal of the Missouri Compromise, the Fugitive Slave Law, and the Kansas-Nebraska bill. In 1852 he declined a reelection, but was returned to the House again in 1858, and, by successive re-



THADDEUS STEVENS.

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elections, was a member of that body until his death. In all of his membership of the House, he was one of the recognized leaders. For six years he was chairman of the Ways and Means Committee, and for four years chairman of the Reconstruction Committee, and during the impeachment trial of President Johnson, he was chairman of the Board of Managers of the House, for the prosecution of the trial.

It was the fortune of Mr. Stevens to be a participant in public affairs, at a time of momentous importance to the nation. He was, throughout his whole life, an advocate for the rights of man, and a fearless champion of whatever measures would elevate the condition of the people.

He was a wise and determined advocate of the educational system which

has been of such benefit to Pennsylvania.

During his whole public life he was a consistent and determined enemy of slavery, and a faithful friend to the oppressed race. He knew no fear in the discharge of duty, and the advocacy of right. From the first sound of civil war to the final triumph he was the unfaltering, sagacious leader, advocating the prosecution of the war, on a war basis. He advocated the abolition of slavery from the first, by Presidential proclamation, and the enrollment of the freedmen as soldiers. When the war closed he was for the enfranchisement of the freedmen, and the government of the restored Southern States by them, and those who had remained loyal to the Union during the dark days of rebellion. His busy and eventful life closed in Washington City, August 11, 1868.



## IMPEACHMENT OF JOHNSON.

*Mr. Stevens' argument in the impeachment trial of President Johnson, delivered in April, 1868.*

MR. CHIEF JUSTICE: May it please the court, I trust to be able to be brief in my remarks, unless I should find myself less master of the subject which I propose to discuss, than I hope. Experience has taught that nothing is so prolix as ignorance. I fear I may prove thus ignorant, as I had not expected to take part in this debate until very lately.

I shall discuss but a single article—the one that was finally adopted upon my earnest solicitation, and which, if proved, I considered then,

and still consider, as quite sufficient for the ample conviction of the distinguished respondent, and for his removal from office, which is the only legitimate object for which this impeachment could be instituted.

During the very brief period which I shall occupy, I desire to discuss the charges against the respondent in no mean spirit of malignity or vituperation, but to argue them in a manner worthy of the high tribunal before which I appear, and of the exalted position of the accused.



Whatever may be thought of his character or condition, he has been made respectable, and his condition has been dignified by the action of his fellow-citizens. Railing accusation, therefore, would ill become this occasion, this tribunal, or a proper sense of the position of those who discuss this question on the one side or the other.

To see the chief servant of a trusting community arraigned before the bar of public justice, charged with high delinquencies, is interesting. To behold the Chief Executive Magistrate of a powerful people charged with the betrayal of his trust, and arraigned for high crimes and misdemeanors, is always a most interesting spectacle. When the charges against such public servant accuse him of an attempt to betray the high trust confided in him, and usurp the power of a whole people, that he may become their ruler, it is intensely interesting to millions of men, and should be discussed with a calm determination which nothing can divert, and nothing can reduce to mockery. Such is the condition of this great Republic as looked upon by an astonished and wondering world.

The offices of impeachment in England and America are very different from each other in the uses made of them for the punishment of offenses; and he will greatly err who undertakes to make out the analogy between them, either in the mode of trial or the final result.

In England the highest crimes may be tried before the high court of impeachment, and the severest punishments, even to imprisonment, fine, and death, may be inflicted.

When our Constitution was framed all these personal punishments were excluded from the judgment, and the defendant was to be dealt with so far as the public safety required, and no farther. Hence it was made to apply simply to political offenses—to persons holding political positions, either by appointment or by election by the people.

Thus it is apparent that no crime containing

malignant or indictable offenses higher than misdemeanors was necessary, either to be alleged or proved. If the respondent was shown to be abusing his official trust to the injury of the people for whom he was discharging public duties, and persevered in such abuse to the injury of his constituents, the true mode of dealing with him was to impeach him for crimes or misdemeanors (and only the latter is necessary), and thus remove him from the office which he was abusing. Nor does it make a particle of difference whether such abuse arose from malignity, from unwarranted negligence, or from depravity, so repeated as to make his countenance in office injurious to the people, and dangerous to the public welfare.

The punishment which the law, under our Constitution, authorizes to be inflicted, fully demonstrates this argument; that punishment upon conviction extends only to removal from office, and if the crime or misdemeanor charged be one of deep and wicked dye, the culprit is allowed to run at large, unless he should be pursued by a new prosecution in the ordinary courts. What does it matter then, what the motive of the respondent might be in his repeated acts of malfeasance in office? Mere mistakes in intention, if so persevered in after proper warning, as to bring mischief upon the community, are quite sufficient to warrant the removal of the officer from the place where he is working mischief by his continuance in power.

The only question to be considered is: Is the respondent violating the law? His perseverance in such a violation, although it shows a perverseness, is not absolutely necessary to his conviction. The great object is the removal from office and the arrest of the public injuries which he is inflicting upon those with whose interests he is intrusted.

The single charge which I had the honor to suggest, I am expected to maintain. That duty is a light one, easily performed, and which, I apprehend, it will be found impossible for the respondent to answer or evade.

When Andrew Johnson took upon himself the duties of his high office, he swore to obey the Constitution and take care that the laws be faithfully executed. That, indeed, is, and has always been, the chief duty of the President of the United States. The duties of legislation and adjudicating the laws of his country fall in no way to his lot. To obey the commands of the sovereign power of the nation, and to see that others should obey them, was his whole duty—a duty which he could not escape, and any attempt to do so would be in direct violation of his official oath; in other words, a *misprision of perjury*.

I accuse him, in the name of the House of Representatives, of having perpetrated that foul offense against the laws and interests of his country.

On the 2d day of March, 1867, Congress passed a law, over the veto of the President, entitled, "An act to regulate the tenure of certain civil offices," the first section of which is as follows:

*"Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That every person holding any civil office to which he has been appointed, by, and with the advice and consent of the Senate, and every person who may hereafter be appointed to any such office, and shall become duly qualified to act therein, is, and shall be entitled to hold such office until a successor shall have been in like manner appointed and duly qualified, except as herein otherwise provided: Provided, That the Secretaries of State, of the Treasury, of War, of the Navy, and of the Interior, the Postmaster General, and the Attorney General, shall hold their offices respectively for and during the term of President by whom they may have been appointed, and for one month thereafter, subject to removal by and with the advice and consent of the Senate."*

The second section provides that when the Senate is not in session, if the President shall deem the officer guilty of acts which require his removal or suspension, he may be suspended until the next meeting of the Senate; and that within twenty days after the meeting of the Senate the reasons for such suspension shall be reported to that body; and if the Senate shall not deem the reasons sufficient for such suspension

or removal, the officer shall be considered removed from his office; but if the Senate shall not deem the reasons sufficient for such suspension or removal, the officer shall forthwith resume the functions of his office, and the person appointed in his place shall cease to discharge such duties.

On the 12th day of August, 1867, the Senate then not being in session, the President suspended Edwin M. Stanton, Secretary of the Department of War, and appointed U. S. Grant, General Secretary of War *ad interim*. On the 12th day of December, 1867, the Senate being then in session, he reported, according to the requirements of the act, the causes of such suspension to the Senate, which duly took the same into consideration. Before the Senate had concluded its examination of the question of the sufficiency of such reasons, he attempted to enter into arrangements by which he might obstruct the due execution of the law, and thus prevent Edwin M. Stanton from forthwith resuming the functions of his office as Secretary of War, according to the provisions of the act, even if the Senate should decide in his favor.

And, in furtherance of said attempt, on the 1st day of February, 1868, he appointed one Lorenzo Thomas, by letter of authority or commission, Secretary of War *ad interim*, without the advice and consent of the Senate, although the same was then in session, and ordered him (the said Thomas) to take possession of the Department of War and the public property appertaining thereto, and to discharge the duties thereof.

We charge that, in defiance of frequent warnings, he has since repeatedly attempted to carry those orders into execution, and to prevent Edwin M. Stanton from executing the laws appertaining to the Department of War, and from discharging the duties of the office.

The very able gentleman who argued this case for the respondent has contended that Mr. Stanton's case is not within the provisions of the act regulating the tenure of certain civil offices,

and that therefore, the President cannot be convicted of violating that act. His argument in demonstrating that position was not, I think, quite equal to his sagacity in discovering where the great strength of the prosecution was lodged. He contended that the proviso, which embraced the Secretary of War, did not include Mr. Stanton, because he was not appointed by the President in whose term the acts charged as misdemeanors, were perpetrated; and, in order to show that he contended that the *term* of office mentioned during which he was entitled to hold, meant the time during which the President who appointed him actually did hold, whether dead or alive; that Mr. Lincoln, who appointed Mr. Stanton, and under whose commission he was holding indefinitely, being dead, his *term* of office referred to had expired, and that Mr. Johnson was not holding during a part of that *term*. That depends upon the Constitution, and the laws made under it. By the Constitution, the whole time from the adoption of the government was intended to be divided into equal Presidential periods, and the word "*term*" was technically used to designate the time of each. The first section of the second article of the Constitution provides:

"That the Executive power shall be vested in a President of the United States of America. He shall hold his office during the *term* of four years, and, together with the Vice-President, chosen for the same *term*, be elected as follows," etc.

Then it provides that—

"In cases of removal from office, or of his death, resignation, or inability to discharge the duties of said office, the same shall devolve on the Vice-President, and Congress may by law, provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, designating what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected."

The learned counsel contends that the Vice-President, who accidentally succeeds to the duties of President, is serving out a new Presidential term of his own, and that, unless Mr. Stanton was appointed by him, he is not within the provisions of the act. It happened that Mr.

Stanton was appointed by Mr. Lincoln in 1862, for an indefinite period of time, and was still serving as *his* appointee, by, and with, the advice and consent of the Senate. Mr. Johnson never appointed him, and, unless he held a valid commission by virtue of Mr. Lincoln's appointment, he was acting for three years, during which time he expended billions of money, and raised hundreds of thousands of men, without any commission at all. To permit this to be done, without any valid commission, would have been a misdemeanor in itself. But, if he held a valid commission, whose commission was it? Not Andrew Johnson's. Then, in whose term was he serving, for he must have been in somebody's term? Even if it was in Johnson's term, he would hold for four years, unless sooner removed, for there is no term spoken of in the Constitution of a shorter period for a Presidential term than four years. But it makes no difference in the operation of the law, whether he was holding in Lincoln's or Johnson's term. Was it not in Mr. Lincoln's term? Lincoln had been elected, and re-elected the second term to commence in 1865, and the Constitution expressly declared that that term should be four years.

By virtue of his previous commission, and the uniform custom of the country, Mr. Stanton continued to hold during the term of Mr. Lincoln, unless sooner removed. Now, does any one pretend that, from the 4th of March, 1865, a new Presidential term did not commence? For, it will be seen upon close examination, that the word "*term*" alone marks the time of the Presidential existence, so that it may divide the different periods of office, by a well-recognized rule. Instead of saying that the Vice-President shall become President upon his death, the Constitution says:

"In case of the removal of the President from office, or of his death, resignation, or inability to discharge the *powers and duties* of the said office, the same shall devolve on the Vice-President."

What is to devolve on the Vice-President?

Not the Presidential commission held by his predecessor, but the "duties" which were incumbent on him. If he were to take Mr. Lincoln's term, he would serve for four years, for term is the only limitation to that office, defined in the Constitution, as I have said before. But the learned counsel has contended that the word "*term*" of the Presidential office means the death of the President. Then it would have been better expressed, by saying that the President shall hold his office during the *term* between two assassinations, and then the assassination of the President would mark the period of the operation of this law.

If, then, Mr. Johnson was serving out one of Mr. Lincoln's terms, there seems to be no argument against including Mr. Stanton within the meaning of the law. He was so included by the President in his notice of removal, in his reasons therefor given to the Senate, and in his notification to the Secretary of the Treasury; and it is too late, when he is caught violating the very law under which he professes to act, to turn round and deny that that law affects the case. The gentleman treats lightly the question of estoppel; and yet, really nothing is more powerful, for it is an argument by the party himself against himself, and, although not pleadable in the same way, is just as potential in a case *in pais*, as when pleaded in a case of *record*.

But, there is a still more conclusive answer. The first section provides that *every* person holding civil office, who has been appointed with the advice and consent of the Senate, and every person that hereafter shall be appointed to any such office, shall be entitled to hold such office until a successor shall have been in like manner appointed, and duly qualified, except as herein otherwise provided. Then comes the proviso which the defendant's counsel says, does not embrace Mr. Stanton, because he was not appointed by the President in whose term he was removed. If he was not embraced in the proviso, then he was nowhere specially provided

for, and was consequently embraced in the first clause of the first section, which declares that every person holding any civil office, not otherwise provided for, comes within the provisions of this act.

The respondent, in violation of this law, appointed General Thomas to office, whereby, according to the express terms of the act, he was guilty of a high misdemeanor. But, whatever may have been his views with regard to the tenure-of-office act he knew it was a law, and so recorded upon the statutes. I disclaim all necessity in a trial of impeachment to prove the wicked or unlawful intention of the respondent, and it is unwise ever to aver to it.

In impeachments, more than in indictments, the averring of the fact charged carries with it all that it is necessary to say about intent. In indictments you charge that the defendant, "instigated by the devil," and so on; and you might as well call on the prosecution to prove the presence, shape, and color of his majesty, as to call upon the managers in impeachment to prove intention. I go further than some, and contend that no corrupt or wicked motive need instigate the acts for which impeachment is brought. It is enough that they were official violations of law. The counsel have placed great stress upon the necessity of proving that they were willfully done. If by that he means that they were voluntarily done, I agree with him. A mere accidental trespass would not be sufficient to convict. But that which is *voluntarily* done is *willfully* done, according to every honest definition; and, whatever malfeasance is willingly perpetrated by an officeholder is a misdemeanor in office, whatever he may allege was his intention.

The President justifies himself by asserting that all previous Presidents had exercised the same right of removing officers, for cause to be judged of by the President alone. Had there been no law to prohibit it when Mr. Stanton was removed, the cases would have been paral-

lel, and the one might be adduced as an argument in favor of the other. But, since the action of any of the Presidents to which he refers, a law had been passed by Congress, after a stubborn controversy with the Executive, denying that right and prohibiting it in future, and imposing a severe penalty upon any executive officer who should exercise it; and that, too, after the President had himself made issue on its constitutionality, and been defeated. No pretext, therefore, any longer existed that such right was vested in the President by virtue of his office. Hence the attempt to shield himself under such practice is a most lame evasion of the question at issue. Did he "take care that this law should be faithfully" executed? He answers, that acts that would have violated the law, had it existed, were practiced by his predecessors. How does that justify his own malfeasance?

The President says that he removed Mr. Stanton simply to test the constitutionality of the tenure-of-office law by a judicial decision. He has already seen it tested and decided by the votes, twice given, of two-thirds of the Senators, and of the House of Representatives. It stood as a law upon the statute books. No case had arisen under that law, or is referred to by the President, which required any judicial interposition. If there had been, or should be, the courts were open to any one who felt aggrieved by the action of Mr. Stanton. But, instead of enforcing that law, he takes advantage of the name and the funds of the United States to resist it, and to induce others to resist it. Instead of attempting, as the Executive of the United States, to see that that law was faithfully executed, he took great pains and perpetrated the acts alleged in this article, not only to resist it himself, but to seduce others to do the same. He sought to induce the General-in-Chief of the Army to aid him in an open, avowed obstruction of the law as it stood unrepealed upon the statute-book. He could find

no one to unite with him in perpetrating such an act until he sunk down upon the unfortunate individual bearing the title of Adjutant-General of the Army. Is this taking care that the laws shall be faithfully executed? Is this attempting to carry them into effect, by upholding their validity, according to his oath? On the other hand, was it not a high and bold attempt to obstruct the laws, and take care that they should not be executed? He must not excuse himself by saying that he had doubts of its constitutionality, and wished to test it. What right had he to be hunting up excuses for others, as well as himself, to violate this law? Is not this confession a misdemeanor in itself?

The President asserts that he did not remove Stanton under the tenure-of-office law. This is a direct contradiction of his own letter to the Secretary of the Treasury, in which, as he was bound by law, he communicated to that officer the fact of the removal. This portion of the answer may, therefore, be considered as disposed of by the non-existence of the fact, as well as by his subsequent report to the Senate.

The following is the letter just alluded to, dated August 14, 1867:

"Sir: In compliance with the requirements of the act entitled 'An act to regulate the tenure of certain civil offices,' you are hereby notified that on the 12th instant Hon. Edwin M. Stanton was suspended from his office as Secretary of War, and General U. S. Grant authorized and empowered to act as Secretary *ad interim*.

"HON. SECRETARY OF THE TREASURY."

Wretched man! A direct contradiction of his solemn answer! How necessary that a man should have a good conscience or a good memory! Both would not be out of place. How lovely to contemplate what was so assiduously inculcated by a celebrated Pagan in the mind of his son: "Virtue is truth, and truth is virtue." And still more, virtue of every kind charms us, yet that virtue is strongest which is effected by justice and generosity. Good deeds will never be done, wise acts will never be executed, except by the virtuous and the conscientious.

May the good people of this Republic remem-

ber this good old doctrine when they next meet to select their rulers, and may they select only the brave and the virtuous.

Has it been proved, as charged in this article, that Andrew Johnson in vacation suspended from office Edwin M. Stanton, who had been duly appointed, and was then executing the duties of Secretary of the Department of War, without the advice and consent of the Senate; did he report the reasons for such suspension to the Senate within twenty days from the meeting of the Senate; and did the Senate proceed to consider the sufficiency of such reasons? Did the Senate declare such reasons insufficient, whereby the said Edwin M. Stanton became authorized to forthwith resume and exercise the functions of Secretary of War, and displace the Secretary *ad interim*, whose duties were then to cease and terminate; did the said Andrew Johnson, in his official character of President of the United States, attempt to obstruct the return of the said Edwin M. Stanton, and his resumption forthwith, of the functions of his office as Secretary of the Department of War; and has he continued to attempt to prevent the discharge of the duties of said office by said Edwin M. Stanton, Secretary of War, notwithstanding the Senate decided in his favor? If he has, then the acts in violation of law, charged in this article, are full and complete.

The proof lies in a very narrow compass, and depends upon the credibility of one or two witnesses, who, upon this point, corroborate each other's evidence.

Andrew Johnson, in his letter of the 31st of January, 1868, not only declared that such was his intention, but reproached U. S. Grant, General, in the following language:

"You had found in our first conference 'that the President was desirous of keeping Mr. Stanton out of office, *whether sustained in the suspension or not.*' You know what reasons had induced the President to ask from you a promise; you also knew that in case your views of duty did not accord with his own convictions, it was his purpose to fill your place by another appointment. Even ignoring the existence of a positive understanding be-

tween us, these conclusions were plainly deducible from our various conversations. It is certain, however, that, even under these circumstances, you did not offer to return the place to my possession, but, according to your own statement, placed yourself in a position where, could I have anticipated your action, I would have been compelled to ask of you, as I was compelled to ask of your predecessor in the War Department, a letter of resignation, or else to resort to the more disagreeable expedient of suspending you by a successor."

He thus distinctly alleges that the General had a full knowledge that such was his deliberate intention. Hard words and injurious epithets can do nothing to corroborate or to injure, the character of a witness; but, if Andrew Johnson be not wholly destitute of truth, and a shameless falsifier, then this article and all its charges are clearly made out by his own evidence.

Whatever the respondent may say of the reply of U. S. Grant, General, only goes to confirm the fact of the President's lawless attempt to obstruct the execution of the act specified in the article.

If General Grant's recollection of his conversation with the President is correct, then it goes affirmatively to prove the same fact stated by the President, although it shows that the President persevered in his course of determined obstruction of the law, while the General refused to aid in its consummation. No differences as to the main fact of the attempt to violate and prevent the execution of the law, exist in either statement; both compel the conviction of the respondent, unless he should escape through other means than the facts proving the article. He cannot hope to escape by asking this high court to declare the "law for regulating the tenure of certain civil offices" unconstitutional and void; for it so happens—to the hopeless misfortune of the respondent—that almost every member of this high tribunal has more than once—twice, perhaps three times—declared upon his official oath, that law constitutional and valid. The unhappy man is in this condition; he has declared himself determined to obstruct that act; he has, by two several letters of authority, ordered Lorenzo Thomas to violate

that law; and he has issued commissions during the session of the Senate, without the advice and consent of the Senate in violation of law, to said Thomas. He must, therefore, either deny his own solemn declarations and falsify the testimony of General Grant and Lorenzo Thomas, or expect that verdict whose least punishment is removal from office.

But, the President denies in his answer to the first and the eleventh articles (which he intends as a point answer to the two charges) that he had attempted to contrive means to prevent the due execution of the law regulating the tenure of certain civil offices, or had violated his oath "to take care that the laws be faithfully executed." Yet, while he denies such attempt to defeat the execution of the laws, in his letter of the 31st of January, 1868, he asserts, and reproaches General Grant by the assertion, that the General knew that his object was to prevent Edwin M. Stanton from forthwith resuming the functions of his office, notwithstanding that the Senate might decide in his favor; and the President and U. S. Grant, General, in their angry correspondence of the date heretofore referred to, made an issue of veracity—the President asserting that the General had promised to aid him in defeating the execution of the laws by preventing the immediate resumption of the functions of Secretary of War by Edwin M. Stanton, and that the General violated his promise; and U. S. Grant, General, denying ever having finally made such promise, although he agrees with the President that the President did attempt to induce him to make such promise, and to enter into such an arrangement.

Now, whichever of these gentlemen may have lost his memory, and found in lieu of the truth the vision which issues from the Ivory Gate—though who can hesitate to choose between the words of a gallant soldier and the petteffogging of a political trickster?—is wholly immaterial, so far as the charge against the President is concerned. That charge is, that

the President did attempt to prevent the due execution of the tenure-of-office law, by entangling the General in the arrangement; and, unless both the President and the General have lost their memory, and mistaken the truth in regard to the promises with each other, then this charge is made out. In short, if either of these gentlemen has correctly stated these facts of attempting the obstruction of the law, the President has been guilty of violating the law, and of *misprision of official perjury*.

But, again, the President alleges his right to violate the act, regulating the tenure of certain civil offices, because, he says, the same was inoperative and void, as being in violation of the Constitution of the United States. Does it lie in his mouth to interpose this plea? He had acted under that law, and issued letters of authority, both for the long and short term, to several persons under it, and it would hardly lie in his mouth after that, to deny its validity, unless he confessed himself guilty of law-breaking by issuing such commissions.

Let us here look at Andrew Johnson accepting the oath, to "take care that the laws be faithfully executed."

On the 2d of March, 1867, he returned to the Senate, the "tenure-of-office bill"—where it originated, and had passed by a majority of more than two-thirds—with reasons elaborately given why it should not pass finally. Among these, was the allegation of its unconstitutionality. It passed by a vote of 35 yeas to 11 nays. In the House of Representatives, it passed by more than a two-thirds majority; and, when the vote was announced, the Speaker, as was his custom, proclaimed the vote, and declared, in the language of the Constitution, "that two-thirds of each House having voted for it, notwithstanding the objections of the President, it has become a law."

I am supposing that Andrew Johnson was at this moment waiting to take the oath of office, as President of the United States, "that he

would obey the Constitution, and take care that the laws be faithfully executed." Having been sworn on the holy Evangels to obey the Constitution, and, being about to depart, he turns to the person administering the oath and says, "Stop; I have a further oath. I do solemnly swear, that I will not allow the act entitled, 'An act regulating the tenure of certain civil offices,' just passed by Congress over the Presidential veto, to be executed; but I will prevent its execution by virtue of my own constitutional power."

How shocked Congress would have been—what would the country have said to a scene equaled only by the unparalleled action of this same official, when sworn into office on that fatal 5th day of March, which made him the successor of Abraham Lincoln! Certainly he would not have been permitted to be inaugurated as Vice-President, or President. Yet such in effect has been his conduct, if not under oath, at least with less excuse, since the fatal day which inflicted him upon the people of the United States. Can the President hope to escape, if the fact of his violating that law be proved or confessed by him, as has been done? Can he expect a sufficient number of his tryers to pronounce that law unconstitutional and void—those same tryers having passed upon its validity upon several occasions? The act was originally passed by a vote of 29 yeas to 9 nays.

Subsequently the House of Representatives passed the bill with amendments, which the Senate disagreed to, and the bill was afterward referred to a committee of Conference of the two Houses, whose agreement was reported to the Senate by the managers, and was adopted by a vote of 22 yeas to 10 nays.

After the veto, upon the reconsideration of the bill in the Senate, and after all the arguments against its validity were spread before that body, it passed by a vote of 35 yeas to 11 nays.

The President contends that, by virtue of the Constitution, he had the right to remove heads of

departments, and cites a large number of cases where his predecessor had done so. It must be observed that all those cases were before the passage of the tenure-of-office act, March 2, 1867. Will the respondent say how, the having done an act when there was no law to forbid it, justifies the repetition of the same act, after a law has been passed, expressly prohibiting the same. It is not the suspension or removal of Mr. Stanton that is complained of, but the manner of suspension. If the President thought he had good reasons for suspending or removing Mr. Stanton, and had done so, sending those reasons to the Senate, and then obeyed the decision of the Senate in their finding, there would have been no complaint; but, instead of that, he suspends him in direct defiance of the tenure-of-office law, and then enters into an arrangement, or attempts to do so, in which he thought he had succeeded, to prevent the due execution of the law after the decision of the Senate. And when the Senate ordered him to restore Mr. Stanton, he makes a second removal by virtue of what he calls the power vested in him by the Constitution.

The action of the Senate on the message of the President, communicating his reasons for the suspension of E. M. Stanton, Secretary of War, under the act entitled, "An act to regulate the tenure of certain civil offices," was as follows:

"IN EXECUTIVE SESSION,  
"SENATE OF THE UNITED STATES,"  
January 13, 1868.

"Resolved, That, having considered the evidence and reasons given by the President in his report of December 12, 1867, for the suspension from the office of Secretary of War of Edwin M. Stanton, the senate do not concur in such suspension."

And the same was duly certified to the President, in the face of which he, with an impudence and brazen determination to usurp the powers of the Senate, again removed Edwin M. Stanton, and appointed Lorenzo Thomas, Secretary *ad interim* in his stead. The Senate, with calm manliness, rebuked the usurper by the following resolution:



"IN EXECUTIVE SESSION,  
"SENATE OF THE UNITED STATES,"  
February 21, 1868.

"WHEREAS, the Senate has received and considered the communication of the President, stating that he had removed Edwin M. Stanton, Secretary of War, and had designated the Adjutant-General of the army to act as Secretary of War *ad interim*, therefore,

"Resolved by the Senate of the United States, That, under the Constitution and laws of the United States the President has no power to remove the Secretary of War and to designate any other officer to perform the duties of that office *ad interim*."

Yet he continued him in office. And now this offspring of assassination turns upon the Senate, who have thus rebuked him in a constitutional manner, and bids them defiance. How can he escape the just vengeance of the law? Wretched man, standing at bay, surrounded by a cordon of living men, each with the axe of an executioner uplifted for his just punishment. Every Senator now trying him, except such as had already adopted his policy, voted for this same resolution, pronouncing his solemn doom. Will any of them vote for his acquittal on the ground of its unconstitutionality? I know that Senators would venture to do any necessary act if indorsed by an honest conscience of an enlightened public opinion; but, neither for the sake of the President nor of any one else, would one of them suffer himself to be tortured on the gibbet of everlasting obloquy. How long and dark would be the tracks of infamy which must mark his name, and that of his posterity! Nothing is therefore more certain than that it requires no gift of prophecy to predict the fate of this unhappy victim.

I have now discussed but one of the numerous articles, all of which I believe to be fully sustained, and few of the almost innumerable offenses charged to this wayward, unhappy official. I have alluded to two or three others which I could have wished to have time to present and discuss, not for the sake of punishment, but for the benefit of the country. One of these was an article charging the President with usurping the legislative powers of the nation, and attempting still his usurpations.

With regard to usurpation, one single word will explain my meaning. A civil war of gigantic proportions, covering sufficient territory to constitute many States and nations, broke out, and embraced more than ten millions of men, who formed an independent government, called the Confederate States of America. They rose to the dignity of an independent belligerent, and were so acknowledged by all civilized nations, as well as by ourselves. After expensive and bloody strife we conquered them, and they submitted to our arms. By the laws of nations, well understood and undisputed, the conquerors in this unjust war had the right to deal with the vanquished as to them might seem good, subject only to the laws of humanity. They had a right to confiscate their property to the extent of indemnifying themselves and their citizens; to annex them to the victorious nation, and pass just such laws for their government as they might think proper.

This doctrine is as old as Grotius, and as fresh as the Dorr rebellion. Neither the President nor the judiciary had any right to interfere, to dictate any terms, or to aid in reconstruction, further than they were directed by the sovereign power. That sovereign power in this Republic is the Congress of the United States. Whoever, besides Congress, undertakes to create new States, or to rebuild old ones, and fix the condition of their citizenship and union, usurps powers which do not belong to him, and is dangerous or not dangerous, according to the extent of his power and his pretensions. Andrew Johnson did usurp the legislative power of the nation by building new States, and reconstructing, as far as in him lay, this empire. He directed the defunct States to come forth and live by virtue of his breathing into their nostrils the breath of life. He directed them what constitutions to form, and fixed the qualifications of electors and of office-holders. He directed them to send forward members to each branch of Congress, and to aid him in representing the

nation. When Congress passed a law declaring all these doings unconstitutional, and fixed a mode for the admission of this new Territory into the nation, he proclaimed it unconstitutional, and advised the people not to submit to it, nor to obey the commands of Congress. I have not time to enumerate the particular act which constitutes his high-handed usurpations. Suffice it to say, that he seized all the powers of the government within these States, and, had he been permitted, would have become their absolute ruler. This he persevered in attempting, notwithstanding Congress declared more than once all the governments which he thus created to be void and of no effect.

But I promised to be brief, and must abide by the promise, although I should like the judgment of the Senate upon this, to me, seeming vital phase and real purpose of all his misdemeanors. To me this seems a sublime spectacle. A nation, not free, but as nearly approaching it as human institutions will permit of, consisting of thirty millions of people, had fallen into conflict, which, among other people always ends in anarchy or despotism, and had laid down their arms, the mutineers submitting to the conquerors. The laws were about to regain their accustomed sway, and again to govern the nation by the punishment of treason, and the reward of virtue. Her old institutions were about to be reinstated so far as they were applicable, according to the judgment of the conquerors. Then one of their inferior servants, instigated by unholy ambition, sought to seize a portion of the territory, according to the fashion of neighboring anarchies, and to convert a land of freedom into a land of slaves. This people spurned the traitors, and have put the chief of them upon trial, and demand judgment upon his misconduct. He will be condemned, and his sentence inflicted without turmoil, tumult, or bloodshed, and the nation will continue its accustomed course of freedom and prosperity without the shedding any further of human blood, and with

a milder punishment than the world has been accustomed to see, or perhaps, than ought now to be inflicted.

Now, even if the pretext of the President were true, and not a mere subterfuge to justify the chief action of violation with which he stands charged, still that would be such an abuse of the patronage of the government as would demand his impeachment for a high misdemeanor. Let us again for a moment examine into some of the circumstances of that act. Mr. Stanton was appointed Secretary of War by Mr. Lincoln in 1862, and continued to hold under Mr. Johnson, which, by all usage, is considered a reappointment. Was he a faithful officer, or was he removed for corrupt purposes? After the death of Mr. Lincoln, Andrew Johnson had changed his whole code of politics and policy, and, instead of obeying the will of those who put him into power, he determined to create a party for himself, to carry out his own ambitious purposes. For every honest purpose of government, and for every honest purpose for which Mr. Stanton was appointed by Mr. Lincoln, where could a better man be found? None ever organized an army of a million men and provided for its subsistence and efficient action more rapidly than Mr. Stanton and his predecessor. It might, with more propriety, be said of this officer, than of the celebrated Frenchman, that he "organized victory."

He raised, and by his requisitions distributed, more than a billion dollars annually, without ever having been charged or suspected with the malappropriation of a single dollar; and, when victory crowned his efforts, he disbanded that immense army as quietly and peacefully as if it had been a summer parade. He would not, I suppose, adopt the personal views of the President; and for this he was suspended until restored by the emphatic verdict of the Senate. Now, if we are right in our narrative of the conduct of these parties, and the motives of the President, the very effort at removal was a

high-handed usurpation, as well as a corrupt misdemeanor, for which of itself he ought to be impeached and thrown from the place he was abusing. But, he says, that he did not remove Mr. Stanton for the purpose of defeating the tenure-of-office law. Then he forgot the truth in his controversy with the General of the Army. And, because the General did not aid him, and finally admit that he had agreed to aid him in resisting that law, he railed upon him like a very drab.

The counsel for the respondent alleges that no removal of Mr. Stanton ever took place, and that, therefore, the sixth section of the act was not violated. They admit that there was an order of removal and a recision of his commission; but, as he did not obey it, they say it was no removal. That suggests the old saying that it used to be thought that "when the brains were out the man was dead." That idea is proved by learned counsel to be absolutely fallacious. The brain of Mr. Stanton's commission was taken out by the order of removal—the recision of his commission—and his head was absolutely cut off by that gallant officer, General Thomas, the night after the masquerade. And yet, according to the learned and delicate counsel, until the mortal remains, everything which could putrefy, was shoveled out and hauled into the muck-yard, there was no removal. But, it is said that this took place merely as an experiment, to make a judicial case. Now, suppose there is anybody who, with the facts before him, can believe that this was not an after-thought, let us see if that palliates the offence.

The President is sworn to "take care that the laws be faithfully executed." In what part of the Constitution or laws does he find it to be

his duty to search out for defective laws that stand recorded upon the statutes, in order that he may advise their infraction? Who was aggrieved by the tenure-of-office bill, that he was authorized to use the name, and the funds of the Government, to relieve? Will he be so good as to tell us by what authority he became the obstructor of an unrepealed law, instead of its executor, especially a law whose constitutionality he had twice tested? If there were nothing else than his own statement, he deserves the contempt of the American people, and the punishment of its highest tribunal. If he were not willing to execute the laws passed by the American Congress, and unrepealed, let him resign the office which was thrown upon him by a horrible convulsion, and retire to his village obscurity. Let him not be so swollen by pride and arrogance, which sprang from the deep misfortune of his country, as to attempt an entire revolution of its internal machinery, and the disgrace of the trusted servants of his lamented predecessor.

The gentleman [Mr. Groesbeck] in his peroration on Saturday, implored the sympathy of the Senate with all the elegance and pathos of a Roman Senator pleading for virtue; and it is to be feared that his grace and eloquence turned the attention of the Senate upon the orator, rather than upon the accused. Had he been pleading for innocence, his great powers would have been well exerted. Had he been arguing with equal eloquence before a Roman Senate, for such a delinquent, and Cato, the censor, had been one of the judges, his client would have soon found himself in the stocks, in the middle of the forum, instead of receiving the sympathy of a virtuous and patriotic audience.







ANDREW JOHNSON.

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## ANDREW JOHNSON.

**A**NDREW JOHNSON, who became the seventeenth President of the United States, was born in Raleigh, North Carolina, Dec. 28, 1808. His parents were poor, and, being left an orphan at the age of four, his early advantages were limited in the extreme. At ten years he was apprenticed to a tailor, with whom he remained nearly seven years, and during the time learned to read. For a time he worked at his trade at Laurens Court House, South Carolina, but in 1826 emigrated to Greenville, Tennessee, where he worked at his trade, married, and made his permanent home. His wife taught him writing and arithmetic, so that, with his knowledge of reading, he was as well educated as most of his associates at that time. He was not satisfied to remain in his humble position. He had a taste for politics, and, when only twenty years of age, organized a workingmen's party, to oppose that of the planters' in his town and neighborhood. He was elected Alderman by his party, three times, and in 1830 was chosen Mayor, serving in this capacity three years. While occu-

pying these lower positions he was preparing himself for a broader field of action and more important work. In 1835 he was elected, as a Democrat, to the State Legislature, and took an active and somewhat prominent part in the deliberations of that body. In 1837 he was again a candidate, but was defeated; in 1839 he was more successful, again becoming a member of the Legislature. The succeeding year he was on the Democratic electoral ticket, and took an active part in the campaign for Van Buren.

In 1841 he was chosen to the State Senate, and, two years later, he was elected to represent his district in Congress. Here he served for ten consecutive years, taking an active part in the important affairs of government. He favored the measures of the Democratic party during those years, approving the annexation of Texas, and the war which followed with Mexico.

He left Congress only to be chosen governor of his adopted State in 1853, and in 1855 he was reelected. After completing four years in the gubernatorial chair, he was again elected to Congress

in 1857, this time taking his seat in the United States Senate.

Mr. Johnson had served faithfully with the Democratic party. He was a Southern man, and loved the South, but he loved the Union better, and, as the days grew darker and the signs of danger thickened, his love for, and devotion to, the Union became more conspicuous.

He opposed secession with conspicuous courage and eloquence in the Senate. The people of his State gave a decided majority against secession, but the Legislature disregarded the popular sentiment, and plunged the State into intense excitement.

In 1860 he was supported for the Presidency by the Tennessee delegation, in the Democratic National Convention.

In March, 1862, Mr. Johnson was appointed military governor of Tennessee, and he proved equal to the duties imposed upon him. His method of dealing with the difficulties of the situation rendered him popular in the North, and, in 1864, he was nominated for the Vice-Presidency by the convention which nominated Lincoln for a second term in the Executive office. He was elected and filled the office six weeks, when he was called to the Presidential chair by the assassination of Mr. Lincoln.

Thus far Mr. Johnson's course had been one of almost uninterrupted progress, from the position of the humble journeyman tailor to the highest post of honor in the land. For a short time he

acted harmoniously with the Republican party, as represented by Congress, but it was soon found that his ideas of making treason odious were not satisfactory to the great majority of the party that had saved the Union. The remainder of his term was spent in continual conflict with Congress. The problem of reconstruction was being worked out; it was, perhaps, the most difficult part of the whole war. The conflict was transferred from the field of battle to the halls of Congress, and the Executive mansion.

Mr. Johnson was unable to carry out his views of reorganization of the Southern State governments and general amnesty, and he was almost equally as powerless in preventing Congress from pursuing its own course in dealing with those questions; it is true, he vetoed the bills passed, but they were passed over his vetoes, and, at most, he only succeeded in retarding the work of the dominant party. At length, on February 24, 1868, the House of Representatives presented articles of impeachment against the President, charging him with high crimes and misdemeanors. In the trial before the Senate the articles were not sustained, the vote standing 35 to 19. A change of one vote would have given the required two-thirds majority.

The same year, 1868, his name was presented before the Democratic National Convention as a candidate for the Presidency; but, as he received only 65 votes, he was soon dropped from the list of

candidates. On March 4, 1869, he retired from the Presidency, and returned to his home in Greenville, Tennessee. He was soon after presented before the State Legislature as a candidate for the United States Senate, and came within three votes of an election.

In 1872 he was defeated as an independent candidate for Congress, but in 1875 he was more successful, being chosen to the Senate. He was not spared, however, to complete his term of office, his death occurring on the 31st day of July, 1875.

### JOHNSON'S FAREWELL ADDRESS.

*Delivered March 4, 1869.*

The robe of office, by constitutional limitation, this day falls from my shoulders, to be immediately resumed by my successor. For him the forbearance and co-operation of the American people, in all his efforts to administer the government within the pale of the Federal Constitution, are sincerely invoked. Without ambition to gratify, party ends to subserve, or personal quarrels to arrange at the sacrifice of the peace and welfare of the country, my earnest desire is to see the Constitution, as defined and limited by the fathers of the Republic, again recognized and obeyed, as the supreme law of the land, and the whole people—North, South, East, and West—prosperous and happy under its wise provisions.

In surrendering the high office to which I was called four years ago, at a memorable and terrible crisis, it is my privilege, I trust, to say to the people of the United States a few parting words, in vindication of an official so ceaselessly assailed and aspersed by political leaders, to whose plans and wishes my policy to restore the Union has been obnoxious. In a period of difficulty and tumult, almost without precedent in the history of any people, consequent upon the closing scenes of a great rebellion, and the

assassination of the then President, it was, perhaps, too much, on my part, to expect of devoted partisans, who rode on the waves of excitement which at that time swept all before them, that degree of toleration and magnanimity which I sought to recommend and enforce, and which I believe in good time would have advanced us infinitely farther on the road to permanent peace and prosperity than we have thus far attained.

Doubtless, had I at the commencement of my term of office unhesitatingly lent its powers or perverted them to purposes and plans "outside of the Constitution," and become an instrument to schemes of confiscation and of general and oppressive disqualifications, I would have been hailed as all that was true, loyal, and discerning; as the reliable head of a party, whatever I might have been as the Executive of the nation. Unwilling, however, to accede to propositions of extremists, and bound to adhere, at every personal hazard, to my oath to defend the Constitution, I need not, perhaps, be surprised at having met the fate of others whose only rewards for upholding constitutional right and law, have been the consciousness of having attempted to do their duty, and the calm and unprejudiced judgment of history.



At the time a mysterious Providence assigned to me the office of President, I was, by the terms of the Constitution, the commander-in-chief of nearly a million of men under arms. One of my first acts was to disband and restore to the vocations of civil life this immense host, and to divest myself, so far as I could, of the unparalleled powers then incident to the office and the times. Whether or not, in this step, I was right, and how far deserving the approbation of the people, all can now on reflection judge, when reminded of the ruinous condition of public affairs that must have resulted from the continuance in the military service of such a vast number of men.

The close of our domestic conflict found the army eager to distinguish itself in a new field, by an effort to punish European intervention in Mexico. By many it was believed and urged that, aside from the assumed justice of the proceedings, a foreign war, in which both sides would cheerfully unite to vindicate the honor of the national flag, and further illustrate the national prowess, would be the surest and speediest way of awakening national enthusiasm, reviving devotion to the Union, and occupying a force concerning which grave doubts existed as to its willingness, after four years of active campaigning, at once to return to the pursuits of peace. Whether these speculations were true or false, it will be conceded that they existed, and that the predictions of the army were, for the time being, in the direction indicated. Taking advantage of this feeling, it would have been easy, as the commander-in-chief of the army and navy, and with all the power and patronage of the presidential office at my disposal, to turn the concentrated military strength of the nation against French interference in Mexico, and to inaugurate a movement which would have been received with favor by the military, and a large portion of the people.

It is proper, in this connection, that I should refer to the almost unlimited additional powers

tendered to the Executive by the measures relating to civil rights and the Freedmen's Bureau. Contrary to most precedents in the experience of public men, the powers thus placed within my grasp were declined, as in violation of the Constitution, dangerous to the liberties of the people, and tending to aggravate, rather than lessen, the discords naturally resulting from our civil war. With a large army and augmented authority, it would have been no difficult task to direct at pleasure the destinies of the Republic, and to make secure my continuance in the highest office known to our laws.

Let the people whom I am addressing from the Presidential chair during the closing hours of a laborious term, consider how different would have been their present condition had I yielded to the dazzling temptation of foreign conquest, of personal aggrandizement, and the desire to wield additional power. Let them with justice consider that, if I have not unduly "magnified mine office," the public burdens have not been increased by my acts, and other, and perhaps thousands or tens of thousands of lives sacrificed to visions of false glory.

It cannot, therefore, be charged that my ambition has been of that ordinary or criminal kind, which, to the detriment of the people's rights and liberties, ever seeks to grasp more and unwarranted powers, and, to accomplish its purposes, panders too often to popular prejudices and party aims.

What, then, have been the aspirations which guided me in my official acts? Those acts need not, at this time, an elaborate explanation. They have been elsewhere comprehensively stated and fully discussed, and become a part of the nation's history. By them, I am willing to be judged, knowing that, however imperfect, they at least show the impartial mind that my sole ambition has been to restore the Union of the States, faithfully to execute the office of President, and, to the best of my ability, to preserve, protect, and defend the Constitution. I

cannot be censured if my efforts have been impeded in the interests of party faction; and, if a policy which was intended to reassure and conciliate the people of both sections of the country was made the occasion for inflaming and dividing still further those who, only recently, in arms against each other, yet, as individuals and citizens, were sincerely desirous, as I shall ever believe, of burying all hostile feelings in the grave of the past. The bitter war was waged on the part of the government to vindicate the Constitution, and save the Union; and, if I have erred in trying to bring about a more speedy and lasting peace, to extinguish heart-burnings and enmities, and to prevent troubles in the South which, retarding material prosperity in that region, injuriously affected the whole country, I am quite content to rest my case with the more deliberate judgment of the people, and, as I have already intimated, with the distant future.

The war, all must remember, was a stupendous and deplorable mistake. Neither side understood the other; and, had this simple fact and its conclusion been kept in view, all that was needed was accomplished by the acknowledgment of the terrible wrong, and the expressed better feeling and earnest endeavor at atonement shown and felt in the prompt ratification of constitutional amendments by the Southern States at the close of the war. Not accepting the war as a confessed false step on the part of those who inaugurated it, was an error which now only time can cure, and which, even at this late date, we should endeavor to palliate. Experiencing, moreover, as all have done, the frightful cost of the arbitrament of the sword, let us, in the future, cling closer than ever to the Constitution as our only safeguard. It is to be hoped that, not until the burdens now pressing upon us with such fearful weight are removed, will our people forget the lessons of the war; and that, remembering them from whatever cause, peace between sections and States may be perpetual.

The history of late events in our country, as well as of the greatest governments of ancient and modern times, teaches that we have everything to fear from a departure from the letter and spirit of the Constitution, and the undue ascendancy of men allowed to assume power in what are considered dishonest emergencies. Scylla, on becoming master of Rome, at once adopted measures to crush his enemies, and to consolidate the power of his party. He established military colonies throughout Italy; deprived of the full Roman franchise the inhabitants of the Italian towns who had opposed his usurpations, confiscated their lands, and gave them to his soldiers; and conferred citizenship upon a great number of slaves belonging to those who had prescribed him, thus creating at Rome a kind of body-guard for his protection. After having given Rome over to slaughter and tyrannized beyond all example over those opposed to him and the legions, his terrible instruments of wrong, Scylla could yet feel safe in laying down the ensigns of power so dreadfully abused, and in mingling freely with the families and friends of his myriad victims. The fear which he had inspired continued after his voluntary abdication, and even in retirement his will was law to a people who had permitted themselves to be enslaved. What, but a subtle knowledge and conviction that the Roman people had become changed, discouraged, and utterly broken in spirit, could have induced this daring assumption? What, but public indifference to consequences so terrible as to leave Rome open to every calamity which subsequently befell her, could have justified the conclusions of the dictator and tyrant in his startling experiment?

We find that, in the time which has since elapsed, human nature and exigencies in the government have not greatly changed. Who, a few years past, in contemplating our future, could have supposed that, in a brief period of bitter experience everything demanded in the name of

military emergency or dictated by caprice, would come to be considered as mere matters of course; that conscription, confiscation, loss of personal liberty, the subjection of States to military rule, and disfranchisement, with the extension of the right of suffrage merely to accomplish party ends, would receive the passive submission, if not the acquiescence, of the people of the Republic?

It has been clearly demonstrated, by recent occurrences, that encroachments upon the Constitution cannot be prevented by the President alone, however devoted or determined he may be, and that, unless the people interpose, there is no power under the Constitution to check a dominant majority of two-thirds in the Congress of the United States. An appeal to the nation, however, is attended with too much delay to meet an emergency. While, if left free to act, the people would correct, in time, such evils as might follow legislative usurpation, there is danger that the same power which disregards the Constitution, will deprive them of the right to change their rulers, except by revolution. We have already seen the jurisdiction of the judiciary circumscribed when it was apprehended that the courts would decide against laws having for their sole object the supremacy of party, while the veto power, hedged in the Executive by the Constitution, for the interest and protection of the people, and exercised by Washington and his successors, has been rendered nugatory by a partisan majority of two-thirds in each branch of the national Legislature.

The Constitution evidently contemplates that, when a bill is returned with the President's objections, it will be calmly reconsidered by Congress. Such, however, has not been the practice under present party rule. It has become evident that men who pass a bill under partisan influence are not likely, through patriotic motives, to admit their error, and thereby weaken their own organizations by solemnly confessing it under an official oath. Pride of

opinion, if nothing else, has intervened, and prevented a calm and dispassionate reconsideration of a bill disapproved by the Executive.

Much as I venerate the Constitution, it must be admitted that this condition of affairs has developed a defect which, under the aggressive tendency of the legislative department of the government, may readily work its overthrow. It may, however, be remedied, without disturbing the harmony of the instrument.

The veto power is generally exercised upon constitutional grounds, and whenever it is so applied, and the bill returned with the Executive's reasons for withholding his signature, it ought to be immediately certified to the Supreme Court of the United States for its decision. If its constitutionality shall be declared by that tribunal, it shall then become a law; but, if the decision is otherwise, it should fail, without power in Congress to re-enact and make it valid.

In cases in which the veto rests upon hasty and inconsiderate legislation, and in which no constitutional question is involved, I would not change the fundamental law; for in such cases no permanent evil can be incorporated into the Federal system.

It is obvious that, without such an amendment, the government, as it existed under the Constitution prior to the Rebellion, may be wholly subverted and overthrown by a two-thirds majority in Congress. It is not, therefore, difficult to see how easily and how rapidly the people may lose—shall I not say have lost?—their liberties by an unchecked and uncontrollable majority in the law-making power; and, when once deprived of their rights, how powerless they are to regain them.

Let us turn for a moment to the history of the majority in Congress, which has acted in such utter disregard of the Constitution. While public attention has been carefully and constantly turned to the past and expiated sins of the South, the servants of the people, in high

places, have boldly betrayed their trust, broken their oaths of obedience to the Constitution, and undermined the very foundations of liberty, justice, and good government. When the rebellion was being suppressed by the volunteered services of patriot soldiers amid the dangers of the battlefield, these men crept, without question, into place and power in the national councils. After all dangers had passed, when no armed foe remained, when a punished and repentant people bowed their heads to the flag and renewed their allegiance to the government of the United States, then it was that pretended patriots appeared before the nation and began to prate about the thousands of lives and millions of treasure sacrificed in the suppression of the rebellion. They have since persistently sought to inflame the prejudices engendered between the sections, to retard the restoration of peace and harmony, and by every means to keep open and exposed to the poisonous breath of party passion, the terrible wounds of a four years' war. They have prevented the return of peace and the restoration of the Union, in every way rendered delusive the purposes, promises, and pledges by which the army was marshaled, treason rebuked, and rebellion crushed, and made the liberties of the people and the rights and powers of the President objects of constant attack. They have wrested from the President his constitutional power of supreme command of the army and navy. They have destroyed the strength and efficiency of the Executive department by making subordinate officers independent of and able to defy, their chief. They have attempted to place the President under the power of a bold, defiant, and treacherous cabinet officer. They have robbed the Executive of the prerogative of pardon, rendered null and void acts of clemency granted to thousands of persons under the provisions of the Constitution, and committed gross usurpation by legislative attempts to exercise this power in favor of party adherents. They have conspired to change the

system of our government by preferring charges against the President in the form of articles of impeachment, and contemplating, before hearing or trial, that he should be placed in arrest, held in durance, and, when it became their pleasure to pronounce his sentence, driven from place and power in disgrace. They have in time of peace increased the national debt by a reckless expenditure of the public moneys, and thus added to the burdens which already weigh upon the people. They have permitted the nation to suffer the evils of deranged currency, to the enhancement in price of all the necessities of life. They have maintained a large standing army for the enforcement of their measures of oppression. They have engaged in class legislation, and built up and encouraged monopolies, that the few might be enriched at the expense of the many. They have failed to act upon important treaties, thereby endangering our present peaceful relations with foreign powers.

Their course of usurpation has not been limited to inroads upon the Executive department.

By unconstitutional and oppressive enactments, the people of ten States of the Union have been reduced to a condition more intolerable, than that from which the patriots of the Revolution rebelled. Millions of American citizens can now say of their oppressors, with more truth than our fathers did of British tyrants, that they have "forbidden the Governors to pass laws of immediate and pressing importance, unless suspended until their assent should be obtained;" that they have "refused to pass other laws for the accommodation of large districts of people, unless these people would relinquish the right of representation in the Legislature—a right, inestimable to them, and formidable to tyrants only;" that they have "made Judges dependent upon their will alone, for the tenure of their offices, and the amount, and payment of their salaries;" that they have "erected a multitude of new offices, and sent hither swarms of officers to harass our people,

and eat out their substance;" that they have "effected to render the military independent of, and superior to, the civil power;" "combined with others, to subject us to a jurisdiction foreign to our Constitution, and acknowledged by our laws;" "quartered large bodies of armed troops among us;" "protected them by a mock trial from punishment for any murder which they should commit on the inhabitants of these States;" imposed "taxes upon us without our consent;" "deprived us in many cases of the benefit of trial by jury;" "taken away our charters, excited domestic insurrection among us; abolished our most valuable laws, altered fundamentally the forms of our government; suspended our own Legislatures, and declared themselves invested with power to legislate for us in all cases whatsoever."

This catalogue of crimes, long as it is, is not yet complete. The Constitution vests the judicial power of the United States "in one Supreme Court," whose jurisdiction "shall extend to all cases arising under this 'Constitution,' and 'the laws of the United States.'" Encouraged by the promise of a refuge from tyranny, a citizen of the United States, who, by the order of a military commander, given under the sanction of a cruel and deliberate edict of Congress, had been denied the constitutional rights of liberty, of conscience, freedom of the press, and of speech, personal freedom from military arrest, of being held to answer for crimes only upon presentment and indictment, of trial by jury, of the writ of habeas corpus, and the protection of civil and constitutional government—a citizen, thus deeply wronged, appeals to the Supreme Court for protection guaranteed to him, by the organic law of the land. At once, a fierce and excited majority, by the ruthless hand of legislative power, stripped the ermine from the judges, transferred the sword of justice to the general, and remanded the oppressed citizen to a degradation and bondage, worse than death.

It will also be recorded as one of the marvels of the times, that a party claiming for itself a monopoly of consistency and patriotism, and boasting, too, of its unlimited sway, endeavored, by a costly and deliberate trial, to impeach one who defended the Constitution and the Union, not only throughout the war of the rebellion, but during his whole term of office, as Chief Magistrate; but, at the same time, could find no warrant, or means at their command to bring to trial, even the chief of the Rebellion.

Indeed, the remarkable failures in his case, were so often repeated that, for propriety's sake, if for no other reason, it became at last necessary to extend to him an unconditional pardon. What more plainly than this illustrates the extremity of party management, and inconsistency on the one hand, and of faction, vindictiveness, and intolerance on the other? Patriotism will hardly be encouraged when, in such a record, it sees that its instant reward may be the most virulent party abuse, and obloquy, if not attempted disgrace. Instead of seeking to "make treason odious," it would, in truth, seem to have been their purpose rather, to make the defense of the Constitution and the Union a crime, and to punish fidelity to an oath of office, if counter to party dictation, by all the means at their command.

Happily for the peace of the country, the war has determined against the assumed power of the States to withdraw at pleasure from the Union. The institution of slavery also found its destruction in a rebellion commenced in its interest. It should be borne in mind, however, that the war neither impaired nor destroyed the Constitution, but, on the contrary, preserved its existence, and made apparent its real power and enduring strength.

All the rights granted to the States, or reserved to the people thereof, remain therefore, intact. Among those rights is that of the people of each State to declare the qualifications of their own State electors. It is now assumed

that Congress can control this vital right, which can never be taken away from the States without impairing the fundamental principles of the government itself. It is necessary to the existence of the States, as well as to the protection of the liberties of the people; for the right to select the elector in whom the political power of a State must be lodged, involves the right of the State to govern itself. When deprived of this prerogative, the States will have no power worth retaining; all will be gone, and they will be subjected to the arbitrary will of Congress. The government will then be centralized, if not by the passage of the laws, then by the adoption, through partisan influence, of an amendment directly in conflict with the original design of the Constitution. This proves how necessary it is that the people should require the administration of the three great departments of the government strictly within the limitations of the Constitution. Their boundaries have been accurately defined, and neither should be allowed to trespass upon the other, nor, above all, to encroach upon the reserved rights of the people and the States. The troubles of the past four years will prove to the nation blessings if they produce so desirable a result.

Upon those who became young men amid the sound of cannon and din of arms, and quietly returned to the farms, the factories, and the schools of the land, will principally devolve the solemn duty of perpetuating the Union of the States, in defence of which hundreds of millions of national obligations were incurred. A manly people will not neglect the training necessary to resist aggression, but they should be jealous lest the civil be made subordinate to the military element. We need to encourage, in every legitimate way, a study of the Constitution for which the war was waged, a knowledge of and reverence for whose wise checks by those so soon to occupy the places filled by their seniors, will be the only hope of preserving the Republic. The young men of the nation, not yet

under the control of party, must resist the tendency to centralization—an outgrowth of the great Rebellion—and be familiar with the fact that the country consists of United States, and that, when the States surrendered certain great rights for the sake of a more perfect Union, they retained rights as valuable and important as those which they relinquished for the common weal.

This sound old doctrine, far different from the teachings that led to the attempt to secede, and a kindred theory that States were taken out of the Union by the rash acts of conspirators that happened to dwell within their borders, must be received and advocated with the enthusiasm of early manhood, or the people will be ruled by corrupt combinations of the commercial centers, who, plethoric from wealth, annually migrate to the capitol of the nation to purchase special legislation. Until the representatives of the people in Congress more fully exhibit the diverse views and interests of the whole nation, and laws cease to be made without full discussion at the behest of some party leader, there will never be a proper respect shown by the law-making power, either to the judicial or executive branch of the government. The generation just beginning to use the ballot-box, it is believed, only need that their attention should be called to these considerations to indicate, by their votes, that they wish their representatives to observe all the restraints which the people, in adopting the Constitution, intended to impose upon party excess.

Calmly reviewing my administration of the government, I feel that, with a sense of accountability to God, having conscientiously endeavored to discharge my whole duty, I have nothing to regret. Events have proved the correctness of the policy set forth in my first and subsequent messages; the woes which have followed the rejection of forbearance, magnanimity, and Constitutional rule, are known and deplored by the nation.

It is a matter of pride and gratification, in retiring from the most exalted position in the gift of a free people, to feel and know that in a long, arduous, and eventful public life, my action has never been influenced by desire for gain, and that I can, in all sincerity, inquire, "Whom have I defrauded? whom have I oppressed? or off whose hand have I received any bribe to blind my eyes therewith?" No responsibility

for wars that have been waged or blood that has been shed, rests upon me. My thoughts have been those of peace, and my effort has ever been to allay contentions among my countrymen.

Forgetting the past, let us return to the first principles of the government, and, unfurling the banner of our country, inscribe upon it, in ineffaceable characters, "The Constitution and the Union, one and inseparable."










MATTHEW H. CARPENTER

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## MATTHEW H. CARPENTER.

ATTHEW HALE CARPENTER was born at Moretown, Vermont, December 22, 1824. On account of the death of his mother, he was placed under the care of Governor Dillingham, with whom his youth was spent, and his education obtained. At the age of nineteen, he was appointed a student in West Point Military Academy, where he remained from 1843 to 1845. He studied law, and was admitted to the bar in 1846, but spent two years studying in the office of Rufus Choate, and in 1848 removed to Wisconsin. He settled in Beloit, and entered upon the practice of his profession. For a time he filled the office of District Attorney. His close application and ability won him an extensive practice. He was one of the most eloquent and polished orators in the State, and afterward won a wider fame for eloquence in the halls of the national capitol. Before the war he was a Democrat of the Douglas stripe in politics, but the attempt of the Southern wing of that party to disrupt the Union, made a Republican of him. Though

not in public life, during the war, he was known in his State as an earnest and loyal supporter of the administration, in its struggle to preserve the national life, and perpetuate the blessings of a government of the people, by the people, and for the people.

So prominent and popular was he in his own State, that he was chosen to succeed J. R. Doolittle in the United States Senate, in 1869. He did not devote his attention to the routine work of the Senate, was not an industrious committee worker, by whom so much of the valuable work of Congress is done, but was prominent as a ready and able debater on all questions of constitutional law. On the expiration of his term, he was a candidate for re-election, but was defeated by a combination of dissatisfied Republicans with the Democrats and Independents. He resumed the practice of his profession, secured an extensive practice in the United States Courts, and continued to be a leading character in the politics of his State. In 1869 he was chosen to succeed Timothy O. Howe in the United States Senate.

Though not permitted to remain long in this position, he proved that he had lost none of his eloquence or ability in debate. He took a very prominent part in the discussion on the Fitz John Porter case.

Mr. Carpenter did not establish any character for statesmanship; yet it was not from lack of ability. The prominence and success attained at the bar,

were evidence of his ability to lead in whatever he chose to devote himself, with all his power. It is to be regretted that he did not apply himself with the same ardor to the interests of State, that he did in legal practice. Among eloquent men, he was a man noted for his eloquence and might have been a leader of commanding influence. His death occurred on the 27th of February, 1881.

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### AN ADDRESS.

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*Delivered by Mr. Carpenter to the Washington Law Class, June 8, 1870.*

GENTLEMEN OF THE GRADUATING CLASS: It is the office of the schools to develop and discipline the faculties of the mind, and give the student that control over his mental powers which will enable him to accumulate knowledge. These advantages you have enjoyed. To-night ends your schoolboy days, and, as you are about to leave the college, are saying farewell to tutors and professors, and are ready to separate from each other, each to take his own path in life, I come from the practical walks of that profession to which your lives are to be devoted, to welcome you at the threshold, to give you the right hand of fellowship, and to bid you Godspeed in your attempt to master our complicated American jurisprudence, and thus to become valiant champions of law and faithful priests in the temple of justice.

This is to you the most trying, painful, and critical period of your whole lives; and the next ten years will assure your success, or seal your doom, as lawyers. You have already formed and matured your character as students; you

are now to hew out your statue and carve your fortunes in the profession. Thus far you have been assisted by friendly and almost paternal solicitude; when you have faltered or stumbled in the ascent, gentle hands have guided and lifted you over your difficulties, until now you plainly see the way before you, and are thoroughly qualified to walk therein.

In the proper stage of their development, the lioness leads her young into the wilderness, and there leaves them alone; and the gnawings of hunger, the pelting of pitiless storms, and the desolation of absolute savageness, are the incentives which drive them on to become monarchs of the forest. So your teachers have led you to the field of your life efforts; they have taught you the duties, and shown you the prizes of the profession; they have given you the necessary training, and here they must leave you, each one to himself. Your future is your own, and you alone must answer for its failures or its successes. And whether you ought to be congratulated or sympathized with on your

choice of a calling, depends entirely upon the stuff you are made of. The path before you is steep, rugged, and thorny. Your temptations will be great, your toil prodigious, your success uncertain. But here, where the roads divide, you should choose at once and forever between the objects of conflicting ambitions. If you are fired with a desire to attain great eminence in your profession; if you consent to days of toil and nights of anxiety; if you are willing to wait, and labor unfalteringly while you wait, for the long deferred fruits of hope; if you have a courage which can survive many disappointments and much disaster; if you can bear to see your associates outstrip you in the accumulation of wealth and political honors; if you can endure to see your younger brother lead his bride to the altar, while yours, all wooed and won, is waiting for you to attain success; if, in a word, you have the undying ambition and immortal energy to "bear the constant anguish of patience," and labor forever, then, sir, you may make a lawyer; and your profession will offer you prizes worthy the contention of gods. But if this picture be too dark, the reality, which will be darker yet, will prove too much for you, and I bid you turn back at once, into gentler, more immediately profitable, and infinitely more comfortable pursuits, and waste no more time coquetting with a profession which will not benefit you, and which you will only harm and dishonor.

But to you who, counting the cost, still resolve, I desire to make a few plain and practical suggestions. You are supposed to be as full of theory as is consistent with your mental health; and the question immediately before you is, *what to do*. So I shall not attempt to burden you with elaborate disquisitions, but tell you a few things that I feel would have been beneficial to me, when, like you, I was ready to go forth and struggle in the great tasks of life.

The first, and a very important matter to be determined, is location. This question, in gen-

eral, is very easy to be decided; for, I assume that every one of you, who has sufficient enterprise to succeed at all, will immediately bend his steps toward the West or South. If you are poor, and I hope you are—for I regard that as an almost indispensable condition of your success—the expenses of living in the large cities of the East will drive you into the current of empire westward; or to the South, which, now released from the incubus of slavery, is destined to unparalleled prosperity within the next quarter of a century. At all events, leave Washington, where a man is estimated according to the place he is in, and not according to the qualities that are in him; let not the grass grow under your feet, nor the sun set upon your going; but flee this town as the beloved of the Lord fled the cities of the plain. Select some town which will grow, and grow with it; some town where the hammer and the saw are constantly heard; and the harmony of various industries will cheer you on. If you find the right place, it is no objection that many lawyers are already there. That fact merely attests the existence of business, and it is a business place you desire to find. There may be a thousand lawyers in a city, but a score of the best of them will do all that business which the real lawyer loves to do; the next hundred will be engaged in preparing business; the balance will be the raiders and bummers of the profession, skirmishing for subsistence, as opportunity offers, within or without the lines. Having fixed on the town, select an office, and furnish it comfortably with the first money you earn; but, first of all, immediately store it with all the books you can *borrow the money* to buy.

The statutes and reports of your adopted State and the best elementary works, will, of course, be indispensable. Next, buy the New York Reports, which will furnish you with ingeniously reasoned cases on every side of every question; and then, to relieve a little the bewilderment of the inexperienced mind, tossed to and

fro by reading New York decisions, you will need the sobering influence and steady support of the Massachusetts Reports; and then—if any part of the Constitution of the United States be left—you will need the decisions of the Federal Courts. Next, and before the reports of other States, I would buy all the English Common Law and Chancery reports, and continue them with the present series, bringing the decisions of the English courts within a few weeks after their actual delivery. Then you want the English Statutes and State Trials; and then the reports of the American States not before procured.

You should also be purchasing, *pari passu*, and as fast as possible, all those works which belong to the border-land between literature and the law, the best treatises upon the science of politics, and of government, constitutional histories, English and American; especially you should have and know by heart, Lewis on the Reasonings and Methods in Politics, and Austin on the Province of Jurisprudence, together with the works of eminent English and American lawyers and statesmen—Burke, Sheridan, Webster, Calhoun, etc., etc.—by no means neglecting the philosophers and poets, theology and history—and be sure to have the best copies money will buy of Shakespeare and Waverly; so that when the misfortunes of life multiply upon you, and its clouds settle low; when the courts, by horrible blundering, decide a good cause against you, which, decided correctly, would have brought fame and fat fees; when your landlord is impatient for rent, and your heart cast down before the rugged realities of life, you may restore your spirits in the sweet fields of innocent fiction and divine fancy.

But, may be, some of you have rich fathers. If so, this misfortune may be lightened by an immediate understanding of the utmost cent he can furnish you for the next ten years. Take this sum and invest all but five hundred dollars in books, and take your seat in the next train

that leaves for the West. Wealth thus employed will not delay your progress. And, not to be too hard on the *rich*, I ought to say that a man with more money than can easily be invested in books, *may* become a lawyer. A rich man may possibly enter into the kingdom of Heaven—so a rich man may possibly become a good lawyer; but I always pity him when I think how fearfully the chances are against him.

But, to go back; when you have selected your location, *rented* an office—a good lawyer never owns one—and gathered as many books as you can to start with, it is possible you will not be retained before breakfast, the first day, in more than fourteen cases. Not to treat so *solemn* a subject with levity, it is probable that for some time you will not have a case; and, for a long time, cases will not crowd upon you. And it is to this pause, intervening between the school and the active labors of the bar, that I desire to direct your minds. This period will try your patience, your fortitude, your constancy; and then you will lay deep and broad, the foundations of great professional acquirements, or prove yourselves unequal to the requirements of professional life. Let these years of waiting for business be devoted to acquiring a thorough and ripe knowledge of the law, for which your study thus far has only fitted you to strive.

The most important suggestion I can make to you in this connection, is to adopt some definite system of study. Let your first act be to frame rules for your own conduct. Determine how many, and what hours of each day, you will devote to exercise, to study, and to rest, respectively; and then divide the hours of study systematically between different departments of jurisprudence. For instance, from ten to eleven each day read nothing but treatises and reports upon equitable jurisprudence. From eleven to twelve, devote to evidence. From twelve to one, to pleading and practice, and so on. It is not so material what your method may be, as that you should have a method; and then

adhere to your rules for one year, and you will be astonished at the result. The mind is relieved by variety of labor, and strengthened by the habit of studying the same subject at the same hour of the day, and under the same surrounding circumstances

Another suggestion: Devote one hour each day, or two in every evening, to reading the opinions of the most celebrated judges. For example, take the reports of the Supreme Court of the United States, and turn to the first opinion delivered by Chief-Justice Marshall, and then to his next, and so on, until in this way you have read every opinion he ever delivered. Mark the growth of his great mind, as it steadily develops itself; mark how honestly he reasons. When you are half way through some of his opinions, you will be enabled to see which way the case is to be decided; and you will be impressed with the belief that he did not, at that point, even himself know where his reasoning would lead him, or which party, the plaintiff or the defendant, would be successful. He commences with a clear statement of the facts; next in mathematical method, he lays down the axioms, or universally conceded principles applicable to the subject; then he begins to reason, turning the mill of his inexorable logic slowly and honestly, as if himself was anxious to see what would come out of it; and, finally, *that* ascertained, the case is thereby decided, and so decided, that no man, recognizing the authority of reason, ever can question the correctness of the decision. Take the opinions of Chief-Justices Parsons, or Parker, or Shaw, of Massachusetts; or Kent, or Spencer, of New York; confining yourself to one, until you have read, in the order in which they were delivered, every opinion he has written. You will thus become almost personally acquainted with every judge; you will learn his methods, and his defects, if he has any; and, like a personal acquaintance, this will enable you years afterward, in the confusion of a trial, to appreciate the just force and

weight of an opinion from either of your favorites, which your opponent will read against you, when you have no opportunity to examine it in detail. The opinions of Chief-Justice Gibson, thoroughly understood, would make any man a profound lawyer.

But of all the judges, English or American, whose opinions are valuable to the student, Chief-Justice Marshall stands pre-eminent. If you will devote two hours of every evening, for six months, to his opinions, you will master them all. What a mine to bring into possession. *Study him especially.* Study his methods of reasoning, and make them your methods. And, while reading Marshall's opinions, as often as you come to a case that was argued by Mr. Webster, study his argument; study it first, and then go to Marshall's opinion in deciding the case; and see how much that you thought unanswerable in the argument, found its way into the opinion. Thus you will obtain pure gold, refined by fire.

I recollect reading, while a student, the argument of Mr. Webster, upon the question of the constitutionality of State insolvent laws, as fully reported in Mr. Everett's edition of Mr. Webster's works, and before I knew how the case was decided by the Supreme Court of the United States. While reading that argument, I was carried along captive through paragraph after paragraph, from proposition to proposition, and, when I had finished it, I never thought of looking to see how the case was decided, because I would have made my affidavit that Webster's argument was wholly unanswerable, and of course the case must have been decided with him. And when I found, a year or two later, that the court decided the case the other way, I recollect that I lost confidence in human reasoning for the space of ten days. Nothing finally consoled my disappointment except the fact that the great Chief-Justice dissented from the decision of the court, and canonized the argument of Mr. Webster. But for this, I think I

should have concluded that logic was an unsafe guide in the labyrinths of the law; however, I satisfied the wounded pride of my boyish judgment by resolving that Webster and Marshall were greater authority than the rest of mankind combined, and that Webster was right, though he did not succeed.

I have spoken thus far of the means by which you may best qualify yourselves for the labors and responsibilities which belong to active practice at the bar. And, although I have dwelt somewhat at length upon the difficulties to be surmounted by the student, hoping to impress upon you the importance of not assuming that you have now acquired your profession, and have only to apply your present fund of knowledge to causes in which you may be retained; nevertheless, you are not to be discouraged. With the fair average of ability, if you will pursue the methods I have indicated, you will rise to eminence in your profession; and, looking to the time when your fame will begin to brighten, and your retainers to multiply, I desire to make a few practical suggestions in regard to the conduct of causes by a young lawyer in the courts. And first, let me exhort you to give all your first cases a thorough examination and an elaborate preparation. Your first case may only involve five dollars, and be ultimately determined by the wisdom of a justice of the peace. Nevertheless, it will involve the same principles, and be beset by the same difficulties, as a case growing out of the same state of facts, involving five millions of dollars, and pending in the Supreme Court of the United States. To illustrate: You may be retained to defend in a justice's court an action founded on a promissory note for fifty dollars, given by a man in New England to a creditor residing in New York, just before your client failed and ran away to the far West, where he has resided in two or three different States. There is not a principle of commercial law, relating to negotiable paper, that may not be in-

volved in your case. The note may have been given upon usurious considerations; or have been obtained by fraud, or duress; and these questions are to be decided upon the same principles that would determine a case involving millions of dollars. Your case, too, may involve the most difficult and complicated questions in the conflict of laws. Whether the rate of interest is to be six per cent. according to the law of the place where the note was given, or the higher rate of interest of New York, where the creditor resided; or if your client has resided in different States since giving the note, you may have to examine the statutes of limitation in those States, to ascertain whether he has resided long enough in any one State, to make its statute a bar to the claim. I remember one of the earliest cases I tried was of a note for forty dollars, given under the following state of facts: A resident of Massachusetts loaned money in that State to a resident of Wisconsin, to be secured after my client should return to Wisconsin, by mortgage upon land in that State. This loan was clearly usurious, and the creditor subsequently came to Wisconsin, and my client gave him this forty dollar note in part settlement of the original indebtedness, and made the note payable on six months at Chicago, with exchange on Boston. The legal rate of interest in Massachusetts was six per cent., in Wisconsin twelve per cent., and in Illinois, where the last note was payable, ten per cent.; and it so happened that the statutes of these three States provided three different penalties for, or consequences of, usurious transactions. You can see that this case, in a justice court, involving only forty dollars, embraced some of the most complicated and difficult questions that can ever arise in any cause in any court.

Now, this is a long introduction to what I desire to say. Take such a case, with the leisure you will have on your hands, and give it the proper preparation, and you will accomplish several most important things. First, you will

fix in your mind with clearness many important legal principles, which will remain with you as long as you live. Second, you will satisfy the court that you are in the habit of preparing your causes, and thus gain greater consideration from the court. And third, and more important still, you will acquire a facility for investigating legal questions which can be acquired only in that way, and which will serve you to the end of your professional life. Every successful lawyer who has been in practice for twenty years, will tell you that he can go to his library now and examine more authorities and make more preparation of a cause in three hours, than he could in three weeks when he commenced the practice. In no other way than by preparing causes can you acquire this facility, which is so indispensable to a lawyer in full practice. It is to the mind what the cunning of the fingers is to the musical performer. No man is born with it; any intelligent man may acquire it.

Be honest with the court. I have said that you will be subjected to great temptations. In your early causes you will be far more anxious, and more deeply interested to succeed, than your client. To him it may be ten dollars, or fifty, or a hundred or two; with you it is success or failure, the admiration or the contempt of the bystanders, life or death professionally. In this fearful anxiety you will be sorely tried, and tempted to conceal your blunders by coloring the facts, and to win your cause, no matter how. I say you will be *tempted* to do this, but I assume that you will have the manhood and integrity to rise above the temptation. If not, your failure at the bar is certain. A man who has never been tempted may be honest merely; but virtue, in the profession or out of it, is the fruit of temptation suffered, but overcome. Honesty is the best policy, and no man sees this proverb illustrated so frequently, and so vividly, as the lawyer. A trick or a falsehood may win a point or save a cause; but it is certain of discovery, and it will cost its author ten years of hon-

est practice to allay the indignation it will incite in the breast of an honest judge.

Be always deferential and respectful to the court. Meet their rulings, no matter how adverse or erroneous, with the true dignity of professional obedience. But, while you are always respectful, be always firm. Courts are composed of judges; judges are men; men who dine out late of nights; they come reluctantly at the summons of the court bell, from an unfinished sleep; they are overworked, they are poorly paid, and occasionally come to the bench in that impatient and petulant mood which "sometime hath its hour with every man." A judge in such a mood will "whistle your case down the wind" before he has heard the first half of it. Under such circumstances, while you are to be courteous to the court, you must be as firm as a rock. The best recipe for obtaining your rights before an impatient judge, is to acquire the art of clear and concise narrative. In motions made and incidental questions arising in a cause, half are decided erroneously, because the court does not understand the facts, or the state of the record, upon which the decision depends. I think one of the great deficiencies of the profession, in daily practice, is the want of this art. To train yourselves in this particular, study the best models of historic composition. Take Kinglake's history of the Crimean war, for example, and read the one or two hundred pages in which he describes the charge of the light brigade at Balaklava. Notice the innumerable incidents and trifling occurrences, and mark the consummate art with which they are so grouped and arranged as never to obstruct, but always to heighten, the effect of the general narrative. The facts of a case before a jury may be very voluminous and very complicated, and there is nothing which so severely taxes the skill of a master as to make every fact available, without so burthening the mind of the jury that they will forget the facts altogether. The most trifling and insignificant



fact which is yet important enough to be given in evidence, should be brought to the mind of the jury in the argument of the cause; but the facts should be so marshaled with regard to subjects and order of time, that the jury can see the precise bearing of each. In an argument to a jury the facts should be stated by chapter and verse, presented by scene and act, as in *Othello*, one of the most artistic of Shakspeare's plays, where the least circumstance, even Desdemona's dropping her handkerchief, is made to contribute powerfully to the final and fatal catastrophe.

Another important matter is the examination of witnesses. I believe that more causes are lost from unskillful examination of witnesses, than from all other species of malpractice combined. Always know what your witness is called to prove; direct his mind to that particular object; get through with him as quickly as possible. In cross-examining witnesses, if I were to lay down one, and an invariable rule, it would be not to cross-examine at all. In nine cases out of ten, where a witness testifies against you, your cross-examination will make a bad matter worse. If you believe a witness is honest, and only mistaken, treat him courteously, never touch his pride, nor put him on the defensive. If you believe he is swearing falsely, go down upon him like an avalanche. In ordinary cases never put a question in cross-examination, unless it be to call out some new fact, favorable to you; and even then, I think you had better wait and call him as your own witness, and thus win his favor, by showing confidence in his integrity; thus you will frequently get from him very comforting things.

Be ever courteous to opposite counsel. You will find all sorts of men at the bar. It is with the profession, as with the church, the wheat and the tares grow together. Your opponent may be a scamp, and you may know it; but if in the particular cause he conducts himself like a gentleman, treat him accordingly. And, above

all things, never break an oral stipulation. It is well to be a little chary about making such stipulations, and they never should be made except with a gentleman, because more may be claimed for them than you intended to grant.

Never refuse a case, because it will not pay a fee. Remember, you go forth to take your place in life, and exercise in all the relations of society, the influence of a learned and honorable profession. It is your mission to uphold the right, and overthrow the wrong, and to the extent of your power, to see to it that justice be denied to no man.

But some one, who has listened thus far, may wonder where, in all this economy of professional life, the money-making comes in. This is a matter about which, I think, I ought to be perfectly frank, and, in strict professional confidence, I will tell you what the fact is; that, with a good lawyer, it never comes in at all; it never comes into his mind; it never distracts his thoughts; it never unsettles his soul. If money-making be your object in life, go where money can be made: go to the marts of commerce; go to the mines on the Pacific coast; sound for petroleum, or procure a contract for furnishing blankets to the Indians. Go anywhere, do anything, except into court to practice law. Money-changers have no place in the temple of justice. But, while money must be discarded as an end with the lawyer, still, as a means, it cannot wholly be disregarded, and you must at least, look after enough of the filthy dross to pay your bills. No man can be honest who makes bills without the expectation of paying them; and, as Mr. Webster once said, it cannot be said of any dishonest man, that he has the law in his heart; and, on another occasion Mr. Webster said, that a good lawyer ought, when he died, to leave neither a dollar nor a debt. And, as I have quoted from Mr. Webster, I will quote from one of his friends, Mr. Choate, a remark as characteristic of him, as it was descriptive of Mr. Webster. He once said

to me, while a student in his office, in that half tragic, half comic manner which all who knew him, so well remember: "My boy, Mr. Webster was a remarkable man; his contempt for cash was equaled only by his contempt for creditors." This was the defect in Mr. Webster's character, and a departure from his own maxim which I have just quoted. Therefore, it is safe to say, you must make money enough to pay your bills.

Save money *if you can*. Money is power, and may be employed to advance all the useful ends of life; but how you are to do this, amid the appeals for charity that will come up around your path, with young men on every hand, soliciting material aid to acquire education, and enter upon the learned professions, with the widows and orphans, and maimed soldiers of the war, and with the unknown, unnumbered calls upon your charity, your generosity, and your affections—if you desire to know how you are to save money, you must inquire of somebody besides me.

And yet, the legal profession has its rewards. "Heaven is above all yet. There sits a judge," whose approbation is the lawyer's highest reward. And even in this world, the profession has its rewards. Who would think of weighing gold against tears of gratitude, trickling down the cheek of poverty, rescued by your ability, your courage, and your fidelity, from unmerited doom? You all remember how Mr. Seward, while at the bar, without fee or reward, and braving the uproar of popular clamor, defended a negro against the charge of murder on the plea of insanity, which, in the popular belief, was a falsehood, although the fact was subsequently verified by the death of the negro in an insane asylum. This was years ago—prior to the 13th, the 14th, and the 15th amendments to the Constitution—and before the negro became an object of national justice and political affection. Mr. Seward has since passed through an eventful and illustrious career of public life,

during which he has "sounded all the depths and shoals of honor," and has finally retired to Auburn to collect his thoughts and compose his soul before leaving the shores of time to enter upon an eternal career beyond the celestial gates. And methinks, as he sits in that tranquil retreat, looking out upon the uneasy and stormy world, where "restless mediocrity" is rising to the surface to-day, to sink out of sight to-morrow, and looking back over the incidents of his busy life, he would not exchange the recollection—the consciousness of duty performed, in rescuing this unfortunate individual of a degraded race, smitten with mental malady, and in peril of the prejudice, the passion, the rage of the populace, more fearful than maladies—for the largest fee he ever received, or for the memory of the proudest achievement of his political life. This conspicuous act of professional bravery and charity will grow brighter and brighter through Mr. Seward's mortal life, and when he shall stand before the Son of Man at that fearful winnowing which shall separate the wheat from the chaff, that awful judgment which shall forever divide the just from the unjust, he may point to this act of his life which, eighteen hundred years before it was performed, received the Master's approbation.

"Then shall the King say unto them on his right hand, Come, ye blessed of my Father, inherit the Kingdom prepared for you from the foundation of the world; for I was an hungered and ye gave me meat; I was thirsty, and ye gave me drink; I was a stranger, and ye took me in; naked, and ye clothed me; I was sick, and ye visited me; I was in prison and ye came unto me."

"Then shall the righteous answer him, saying, Lord, when saw we thee an hungered, and fed thee? Or thirsty, and gave thee drink? When saw we thee a stranger, and took thee in? Or naked, and clothed thee? Or when saw we thee sick, or in prison, and came unto thee?"

"And the King shall answer, and say unto them, Verily I say unto you, inasmuch as ye have done it unto one of the least of these, my brethren, ye have done it unto me."

I am detaining you too long, but in addition to all the things I have admonished you to do, I must warn you of one thing not to do; and I cannot do this in a more effectual way than to

quote again from my master, whom I loved and almost adored, and who has long since gone to the reward which awaits an honorable career. I recollect upon one occasion, when he had been counseling me as to the course to be pursued by a lawyer, he said, with an emphasis and an energy which thrilled me through and through, and which I shall never forget—"Keep out of politics. Things have come to that pass when no man can mingle in American politics without sinking his self-respect." You may say this advice comes with bad grace from myself, who have in some sense fallen before the great temptation. Shakspeare tells us of a preacher who pointed his flock to the thorny path, himself taking the primrose way. The thorny path was the right way, and the preacher gave his flock sound advice, though he himself failed to practice and profit by it. And, if you have the slightest doubt of the soundness of the advice I have offered you, wait till you have achieved a respectable position at the bar, and then accept a seat in the Senate, and I venture the prediction that your judgment will condemn your weakness, as mine does my own. In admonishing you to keep out of politics, of course I do not mean for you to sink your manhood, or waive the participation which it is the right and duty of every American citizen to exercise in influencing the course of political affairs. What I mean is, that you should avoid office-seeking and office-holding. The judicial positions of the country are open to the lawyer. The courts of the States and of the Union must be filled by lawyers. And if you cannot endure to occupy the highest position in American life—an eminent place at the bar—I beseech you, stop on the bench, and do not fall into the dirty pools of politics. Should the American passion, ambition for place, seize and master you, let me point you to the highest, the serenest, the grandest seat in the Union, the Chief-Justiceship of the judicial department of the United States. Who, in a healthy mental condition, would exchange

the calm dignity of the Chief-Justiceship for life, to be tossed by politicians on an "uneasy blanket" in the White House, for four or eight years!

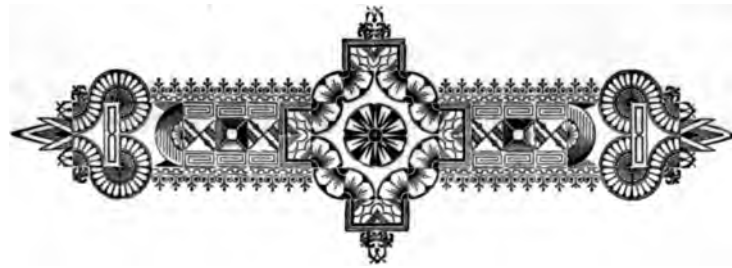
Gentlemen, there is no limit to what you may suffer from a speaker without notes; and I have indulged this license, and have already trespassed upon you unreasonably. And yet there is one subject I must mention in conclusion. In the economy of Providence every generation has its peculiar duties, trials, triumphs. The Church, the only institution on earth with eighteen hundred years of historic unity, has always had the wisdom to train its priesthood to meet imminent danger. When infidelity attacked the truths of religion with the facts developed by material science, the church instructed its ministry in that speciality; and when the assaults upon religion were made by verbal criticisms upon the text of the gospel, the church sent forth its teachers specially instructed as to the intrinsic evidences of the gospel's truth.

You go forth to-day, young and strong, and full of hope, to discharge the duties and meet the responsibilities belonging to our profession—the handmaid of free institutions. What then, is the special evil which you should be charged to correct?

We have but lately emerged from a fearful civil war, which has inflamed the blood of sections, and embittered the passions of the people. During the war whatever was necessary to be done, had to be done. Constitutions are made for men—not men for constitutions. Necessity is its own law, and the manifest necessity of certain lines of governmental policy of doubtful legal and constitutional validity, has naturally tended to create a popular indifference to the Constitution and the laws, of which you go forth commissioned defenders. Some of you will be Democrats, and some of you will be Republicans. As to all matters of mere political economy and policy, you may divide in opinion

and contend in action, but you are to remember that, whenever the slightest letter of the Constitution is imperiled you are the sworn champions of that Constitution, and you must forget all political differences, and rally to its support

like a priesthood rallying to the defense of a holy shrine; and, if the Constitution shall be stabbed to death by its foes, let not its expiring spirit turn upon you with the reproach, sharper than a thousand daggers, "*et tu Brute.*"



## J. PROCTOR KNOTT.

**J** PROCTOR KNOTT was born near Lebanon, Kentucky, on the 29th of August, 1830. He received a fair education, entered upon the study of law, and removed to Missouri in 1850, where he continued his study, and was admitted to the bar in 1851. He followed the practice of his profession diligently, and entered political life in 1857, when he was elected a member of the State Legislature. He held this position until August of 1859, when he resigned, and the same month was appointed Attorney-General of the State. Three years later, he was nominated by the Democrats, and elected to the same position. He returned to Kentucky in 1863, and settled to the practice of law in Lebanon. In 1866 he was elected to represent his district in the Fortieth Congress, and re-elected to the Forty-first. He resumed the practice of law, after the expiration of his second term, and followed it for the next four years. In 1874, he was again returned to Congress, and continued by re-elections until the present

year (1882). During the time that Mr. Knott has enjoyed membership in the lower house of Congress, he has served on some of the most important committees of that body, and has always showed himself to be in sympathy with all measures that tended to the common good.

He became widely known as a prominent Democratic statesman, and humorous speaker in the congressional debates. One of his most famous speeches was, that delivered when the question of granting government aid in improving the harbor of Duluth was before Congress. In this speech he ridiculed the town, and the proposition then pending before the House. Mr. Knott is regarded as one of the ablest lawyers on the Democratic side of the House, and during the years that his party controlled that body, he served as chairman of the Judiciary Committee.

In the month of August, 1883, Mr. Knott was elected Governor of Kentucky, and took the oath of office, September 4th of the same year.



J. PROCTOR KNOTT.

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### "DULUTH."

*Mr Knott's Humorous Speech, delivered in the House of Representatives, Jan. 21, 1871.*

MR. SPEAKER: If I could be actuated by any conceivable inducement to betray the sacred trust reposed in me by those to whose generous confidence I am indebted for the honor of a seat on this floor; if I could be influenced by any possible consideration to become instrumental in giving away, in violation of their known wishes, any portion of their interest in the public domain, for the mere promotion of any railroad enterprise whatever, I should certainly feel a strong inclination to give this measure my most earnest and hearty support; for I am assured that its success would materially enhance the pecuniary prosperity of some of the most valued friends I have on earth; friends for whose accommodation I would be willing to make almost any sacrifice not involving my personal honor or my fidelity as the trustee of an express trust. And that act of itself would be sufficient to counter-vail almost any objection I might entertain to the passage of this bill, not inspired by the imperative and inexorable sense of public duty.

But, independent of the seductive influences of private friendship, to which I admit I am, perhaps, as susceptible as any of the gentlemen I see around me, the intrinsic merits of the measure itself are of such an extraordinary character as to commend it most strongly to the favorable consideration of every member of this house, myself not excepted, notwithstanding my constituents, in whose behalf alone I am acting here, would not be benefited by its passage one particle more than they would be by a project to cultivate an orange grove on the bleakest summit of Greenland's icy mountains.

Now, sir, as to those great trunk lines of railways, spanning the continent from ocean to

ocean, I confess my mind has never been fully made up. It is true they may afford some trifling advantages to local traffic, and they may even in time become the channels of a more extended commerce. Yet I have never been thoroughly satisfied either of the necessity or expediency of projects promising such meager results to the great body of our people. But with regard to the transcendent merits of the gigantic enterprise contemplated in this bill, I have never entertained the shadow of a doubt.

Years ago, when I first heard that there was somewhere in the vast *terra incognita*, somewhere in the bleak regions of the great Northwest, a stream of water known to the nomadic inhabitants of the neighborhood as the river St. Croix, I became satisfied that the construction of a railroad from that raging torrent to some point in the civilized world was essential to the happiness and prosperity of the American people, if not absolutely indispensable to the perpetuity of Republican institutions on this continent. I felt, instinctively, that the boundless resources of that prolific region of sand and pine shrubbery would never be fully developed without a railroad constructed and equipped at the expense of the government, and perhaps not then. I had an abiding presentiment that, some day or other, the people of this whole country, irrespective of party affiliations, regardless of sectional prejudices, and "without distinction of race, color, or previous condition of servitude," would rise in their majesty and demand an outlet for the enormous agricultural productions of those vast and fertile pine barrens, drained in the rainy season by the surging waters of the turbid St. Croix.



These impressions, derived simply and solely from the "eternal fitness of things," were not only strengthened by the interesting and eloquent debate on this bill, to which I listened with so much pleasure the other day, but intensified, if possible, as I read over, this morning, the lively colloquy which took place on that occasion, as I find it reported in last Friday's *Globe*. I will ask the indulgence of the House while I read a few short passages, which are sufficient, in my judgment, to place the merits of the great enterprise, contemplated in the measure now under discussion, beyond all possible controversy.

The honorable gentleman from Minnesota (Mr. Wilson), who, I believe, is managing this bill, in speaking of the character of the country through which this railroad is to pass, says this:

"We want to have the timber brought to us as cheaply as possible. Now, if you tie up the lands, in this way, so that no title can be obtained to them—for no settler will go on these lands, for he cannot make a living—you deprive us of the benefits of that timber."

Now, sir, I would not have it by any means inferred from this that the gentleman from Minnesota would insinuate that the people out in this section desire this timber merely for the purpose of fencing up their farms so that their stock may not wander off and die of starvation among the bleak hills of St. Croix. I read it for no such purpose, sir, and make no comment on it myself. In corroboration of this statement of the gentleman from Minnesota, I find this testimony given by the honorable gentleman from Wisconsin (Mr. Washburn). Speaking of these same lands, he says:

"Under the bill, as amended by my friend from Minnesota, nine-tenths of the land is open to actual settlers at \$2.50 per acre; the remaining one-tenth is pine-timbered land, that is not fit for settlement, and never will be settled upon; but the timber will be cut off. I admit

that it is the most valuable portion of the grant, for most of the grant is not valuable. It is quite valueless; and if you put in this amendment of the gentleman from Indiana you may just as well kill the bill, for no man, and no company will take the grant and build the road."

I simply pause here to ask some gentleman better versed in the science of mathematics than I am, to tell me if the timbered lands are in fact the most valuable portion of that section of country, and they would be entirely valueless without the timber that is on them, what the remainder of the land is worth which has no timber on them at all?

But, further on, I find a most entertaining and instructive interchange of views between the gentleman from Arkansas (Mr. Rogers), the gentleman from Wisconsin (Mr. Washburn), and the gentleman from Maine (Mr. Peters), upon the subject of pine lands generally, which I will tax the patience of the House to read:

"Mr. Rogers—Will the gentleman allow me to ask him a question?"

"Mr. Washburn, of Wisconsin—Certainly."

"Mr. Rogers—Are these pine lands entirely worthless except for timber?"

"Mr. Washburn, of Wisconsin—They are generally worthless for any other purpose. I am personally familiar with that subject. These lands are not valuable for purposes of settlement."

"Mr. Farnsworth—They will be after the timber is taken off."

"Mr. Washburn, of Wisconsin—No, sir."

"Mr. Rogers—I want to know the character of these pine lands."

"Mr. Washburn, of Wisconsin—They are generally sandy, barren lands. My friend from the Green Bay district (Mr. Sawyer) is himself perfectly familiar with this question, and he will bear me out in what I say, that these timber lands are not adapted to settlement."

"Mr. Rogers—The pine lands to which I am accustomed are generally very good. What I

want to know is, what is the difference between our pine lands and your pine lands?"

"Mr. Washburn, of Wisconsin—The pine timber of Wisconsin generally grows upon barren, sandy land. The gentleman from Maine (Mr. Peters) who is familiar with pine lands, will, I have no doubt, say that pine timber grows generally upon the most barren lands."

"Mr. Peters—As a general thing pine lands are not worth much for cultivation."

And further on I find this pregnant question, the joint production of the two gentlemen from Wisconsin.

"Mr. Paine—Does my friend from Indiana suppose that in any event settlers will occupy and cultivate these pine lands?"

"Mr. Washburn, of Wisconsin—Particularly without a railroad."

Yes, sir, "particularly without a railroad." It will be asked after awhile, I am afraid, if settlers will go anywhere unless the government builds a railroad for them to go on.

I desire to call attention to only one more statement, which I think sufficient to settle the question. It is one made by the gentleman from Wisconsin (Mr. Paine) who says:

"These lands will be abandoned for the present. It may be that at some remote period there will spring up in that region a new kind of agriculture, which will cause a demand for these particular lands; and they may then come into use and be valuable for agricultural purposes. But I know, and I cannot help thinking, that my friend from Indiana understands that, for the present, and for many years to come, these pine lands can have no possible value other than that arising from the pine timber which stands on them."

Now, sir, after listening to this emphatic and unequivocal testimony of these intelligent, competent, and able-bodied witnesses; who that is not as incredulous as St. Thomas himself, will doubt for a moment that the Goshen of America is to be found in the sandy valleys and upon

the pine-clad hills of the St. Croix? Who will have the hardihood to rise in his seat on this floor and assert that, excepting the pine bushes, the entire region would not produce vegetation enough in ten years to fatten a grasshopper? Where is the patriot who is willing that his country shall incur the peril of remaining another day without the amplest railroad connection with such an inexhaustible mine of agricultural wealth? Who will answer for the consequences of abandoning a great and warlike people, in the possession of a country like that, to brood over the indifference and neglect of their government? How long would it be before they would take to studying the Declaration of Independence, and hatching out the damnable heresy of secession? How long before the grim demon of civil discord would rear again his horrid head in our midst, "gnash loud his iron fangs and shake his crest of bristling bayonets"?

Then, sir, think of the long and painful process of reconstruction that must follow with its concomitant amendments to the Constitution, the seventeenth, eighteenth and nineteenth articles. The sixteenth, it is of course understood, is to be appropriated to those blushing damsels who are, day after day, beseeching us to let them vote, hold office, drink cocktails, ride astraddle, and do everything else the men do. But, above all, sir, let me implore you to reflect for a single moment on the deplorable condition of our country in case of a foreign war, with all our ports blockaded, all our cities in a state of siege, the gaunt specter of famine brooding like a hungry vulture over our starving land; our commissary stores all exhausted, and our famishing armies withering away in the field, a helpless prey to the insatiate demon of hunger; our navy rotting in the docks for want of provisions for our gallant seamen, and we without any railroad communication whatever with the prolific pine thickets of the St. Croix.

Ah, sir, I could very well understand why

my amiable friends from Pennsylvania (Mr. Myers, Mr. Kelley and Mr. O'Neill) should be so earnest in their support of this bill the other day; and, if their honorable colleague, my friend, Mr. Randall, will pardon the remark, I will say I consider his criticism of their action on that occasion as not only unjust, but ungenerous. I knew they were looking forward with the far-reaching ken of enlightened statesmanship to the pitiable condition in which Philadelphia will be left unless speedily supplied with railroad connection in some way or other with this garden spot of the universe. And besides, sir, this discussion has relieved my mind of a mystery that has weighed upon it like an incubus for years. I could never understand before why there was so much excitement during the last Congress over the acquisition of Alta Vela. I could never understand why it was that some of our ablest statesmen and most disinterested patriots should entertain such dark forebodings of the untold calamities that were to befall our beloved country, unless we should take immediate possession of that desirable island. But I see now that they were laboring under the mistaken impression that the government would need the guano to manure the public lands on the St. Croix.

Now, sir, I repeat, I have been satisfied for years that, if there was any portion of the inhabited globe absolutely in a suffering condition for want of a railroad, it was these teeming pine barrens of the St. Croix. At what particular point on that noble stream such a road should be commenced I knew was immaterial, and it seems so to have been considered by the draughtsman of this bill. It might be up at the spring or down at the foot-log, or the water-gate, or the fish-dam, or anywhere along the bank, no matter where. But, in what direction should it run, or where it should terminate, were always to my mind questions of the most painful perplexity. I could conceive of no place on "God's green earth" in such straitened circumstances

for railroad facilities as to be likely to desire or willing to accept, such a connection. I knew that neither Bayfield nor Superior City would have it, for they both indignantly spurned the munificence of the government when coupled with such ignominious conditions, and let this very same land grant die on their hands years and years ago, rather than submit to the degradation of a direct communication by railroad with the piney woods of the St. Croix; and I knew that what the enterprising inhabitants of those giant young cities would refuse to take, would have few charms for others, whatever their necessities or cupidity might be.

Hence, as I have said, sir, I was utterly at a loss to determine where the terminus of this great and indispensable road should be, until I accidentally overheard some gentleman the other day mention the name of "*Duluth*."

*Duluth!* The word fell upon my ear with a peculiar and indescribable charm, like the gentle murmur of a low fountain stealing forth in the midst of roses; or the soft, sweet accents of an angel's whisper in the bright joyous dream of sleeping innocence.

"*Duluth!*" 'Twas the name for which my soul had panted for years, as the hart panteth for the water-brooks. But where was *Duluth*? Never in all my limited reading, had my vision been gladdened by seeing the celestial word in print. And I felt a profound humiliation in my ignorance that its dulcet syllables had never before ravished my delighted ear. I was certain the draughtsman in this bill had never heard of it, or it would have been designated as one of the termini of this road. I asked my friends about it, but they knew nothing of it. I rushed to the library, and examined all the maps I could find. I discovered in one of them a delicate hair-like line, diverging from the Mississippi near a place marked Prescott, which, I supposed, was intended to represent the river St. Croix, but could nowhere find *Duluth*. Nevertheless, I was confident it existed some-

where, and that its discovery would constitute the crowning glory of the present century, if not of all modern times. I knew it was bound to exist in the very nature of things; that the symmetry and perfection of our planetary system would be incomplete without it. That the elements of maternal nature would since have resolved themselves back into original chaos, if there had been such a hiatus in creation, as would have resulted from leaving out *Duluth*! In fact, sir, I was overwhelmed with the conviction that *Duluth* not only existed somewhere, but that wherever it was, it was a great and glorious place. I was convinced that the greatest calamity that ever befell the benighted nations of the ancient world, was in their having passed away without a knowledge of the actual existence of *Duluth*; that their fabled Atlantis, never seen save by the hallowed vision of the inspired poesy, was, in fact, but another name for *Duluth*; that the golden orchard of the Hesperides, was but a poetical synonym for the beer-gardens in the vicinity of *Duluth*. I was certain that Herodotus had died a miserable death, because, in all his travels, and with all his geographical research, he had never heard of *Duluth*. I knew that if the immortal spirit of Homer could look down from another heaven than that created by his own celestial genius upon the long lines of Pilgrims from every nation of the earth, to the gushing fountain of poesy, opened by the touch of his magic wand, if he could be permitted to behold the vast assemblage of grand and glorious productions of the lyric art, called into being by his own inspired strains, he would weep tears of bitter anguish, that, instead of lavishing all the stores of his mighty genius upon the fall of Illion, it had not been his more blessed lot to crystallize in deathless song, the rising glories of *Duluth*. Yes, sir, had it not been for this map, kindly furnished me by the Legislature of Minnesota, I might have gone down to my obscure and humble grave in an agony of despair, because I

could nowhere find *Duluth*. Had such been my melancholy fate, I have no doubt that with the last feeble pulsation of my breaking heart, with the last faint exhalation of my fleeting breath, I should have whispered, "Where is *Duluth*?"

But, thanks to the beneficence of that band of ministering angels who have their bright abodes in the far-off capitol of Minnesota, just as the agony of my anxiety was about to culminate in the frenzy of despair, this blessed map was placed in my hands; and, as I unfolded it, a resplendent scene of ineffable glory opened before me, such as I imagined burst upon the enraptured vision of the wandering peri through the opening gates of Paradise. There, there, for the first time, my enchanted eye rested upon the ravishing word, "*Duluth*!" This map, sir, is intended, as it appears from its title, to illustrate the position of *Duluth* in the United States; but, if the gentlemen will examine it, I think they will concur with me in the opinion, that it is far too modest in its pretensions. It not only illustrates the position of *Duluth* in the United States, but exhibits its relations with all created things. It even goes further than this. It hits the shadowy vale of futurity, and affords us a view of the golden prospects of *Duluth*, far along the dim vista of ages yet to come.

If the gentlemen will examine it, they will find *Duluth*, not only in the center of the map, but represented in the center of a series of concentric circles one hundred miles apart, and some of them as much as four thousand miles in diameter, embracing alike, in their tremendous sweep, the fragrant savannas of the sunlit South, and the eternal solitudes of snow that mantle the ice-bound North. How these circles were produced, is perhaps one of those primordial mysteries, that the most skilled paleologist will never be able to explain. But the fact is, sir, *Duluth* is pre-eminently a central point, for I am told by gentlemen who have been so reckless of their own personal safety as to venture away into those awful regions where *Duluth*

is supposed to be, that it is so exactly in the center of the visible universe, that the sky comes down at precisely the same distance all around it.

I find, by reference to this map, that *Duluth* is situated somewhere near the western end of Lake Superior, but as there is no dot or other mark, indicating its exact location, I am unable to say whether it is actually confined to any particular spot, or whether "it is just lying around there loose." I really cannot tell whether it is one of those ethereal creations of intellectual frostwork, more intangible than the rose-tinted clouds of a summer sunset; one of those airy exhalations of the speculator's brain which, I am told, are very flitting in the form of towns and cities along those lines of railroad, built with government subsidies, luring the unwary settler, as the mirage of the desert lures the famishing traveler on, until it fades away in the darkening horizon; or whether it is a real *bona fide*, substantial city, all "staked off," with the lots marked with their owners' names, like that proud commercial metropolis recently discovered on the desirable shores of San Domingo. But, however that may be, I am satisfied *Duluth* is there, or thereabouts, for I see it stated here on the map, that it is exactly thirty-nine hundred and ninety miles from Liverpool, though I have no doubt, for the sake of convenience, it will be moved back ten miles, so as to make the distance an even four thousand.

Then, sir, there is the climate of *Duluth*, unquestionably the most salubrious and delightful to be found anywhere on the Lord's earth. Now, I have always been under the impression, as I presume other gentlemen have, that, in the region around Lake Superior, it was cold enough, for at least nine months in the year, to freeze the smoke-stack off a locomotive. But I see it represented on this map, that *Duluth* is situated exactly half way between the latitudes of Paris and Venice, so that gentlemen who have inhaled the exhilarating air of the one, or basked in the golden sunlight of the other, may see at

a glance, that *Duluth* must be the place of untold delight, a terrestrial paradise, fanned by the balmy zephyrs of an eternal spring, clothed in the gorgeous sheen of ever-blooming flowers, and vocal with the silvery melody of nature's choicest songsters. In fact, sir, since I have seen this map, I have no doubt that Byron was vainly endeavoring to convey some faint conception of the delicious charms of *Duluth*, when his poetic soul gushed forth, in the rippling strains of that beautiful rhapsody—

"Know ye the land of the cedar and the vine,  
Whence the flowers ever blossom, the beams ever shine;  
Where the light wings of Zephyr, oppressed with perfume,  
Wax faint o'er the gardens of Gaul in her bloom;  
Where the citron and olive are fairest of fruit,  
And the voice of the nightingale never is mute;  
Where the tints of the earth and the hues of the sky,  
In color though varied, in beauty may vie?"

As to the commercial resources of *Duluth*, sir, they are simply illimitable and inexhaustible, as is shown by this map. I see it stated here that there is a vast scope of territory, embracing an area of over two millions of square miles, rich in every element of material wealth and commercial prosperity, all tributary to *Duluth*. Look at it, sir (pointing to the map). Here are inexhaustible mines of gold, immeasurable veins of silver, impenetrable depths of boundless forest, vast coal measures, wide-extended plains of richest pasturage—all, all embraced in this vast territory—which must, in the very nature of things, empty the untold treasures of its commerce into the lap of *Duluth*. Look at it sir (pointing to the map); do you not see from these broad, brown lines drawn around this immense territory, that the enterprising inhabitants of *Duluth* intend some day to inclose it all in one vast corral, so that its commerce will be bound to go there, whether it would or not? And here, sir (still pointing to the map), I find within a convenient distance, the Piegan Indians, which, of all the many accessories to the glory of *Duluth*, I consider by far the most inestimable. For, sir, I have been

told that when the small-pox breaks out among the women and children of the famous tribe, as it sometimes does, they afford the finest subjects in the world, for the strategical experiments of any enterprising military hero who desires to improve himself in the noble art of war, especially for any valiant lieutenant-general whose

"Trenchant blade, Toledo trusty,  
For want of fighting has grown rusty,  
And eats into itself for lack  
Of somebody to hew and hack."

Sir, the great conflict now raging in the Old World has presented a phenomenon in military science, unprecedented in the annals of mankind, a phenomenon that has reversed all the traditions of the past, as it has disappointed all the expectations of the present. A great and warlike people, renowned alike for their skill and valor, have been swept away before the triumphant advance of an inferior foe, like autumn stubble before a hurricane of fire. For aught I know the next flash of electric fire that simmers along the ocean cable, may tell us that Paris, with every fiber quivering with the agony of impotent despair, writhes beneath the conquering heel of her loathed invader. Ere another moon shall wax and wane, the brightest star in the galaxy of nations may fall from the zenith of her glory, never to rise again. Ere the modest violets of early spring shall open their beauteous eyes, the genius of civilization may chant the wailing requiem of the proudest nationality the world has ever seen, as she scatters her withered and tear-moistened lilies o'er the bloody tomb of butchered France. But, sir, I wish to ask if you honestly and candidly believe that the Dutch would have overrun the French in that kind of style if General Sheridan had not gone over there, and told King William and Von Moltke how he had managed to whip the Piegan Indians?

And here, sir, recurring to this map, I find in the immediate vicinity of the Piegans "vast herds of buffalo" and "immense fields of rich wheat lands."

[Here the hammer fell.]

[Many cries: "Go on!" "Go on!"]

The Speaker—Is there any objection to the gentleman from Kentucky continuing his remarks? The chair hears none. The gentleman will proceed.

Mr. Knott—I was remarking, sir, upon these vast "wheat fields" represented on this map, in the immediate neighborhood of the buffaloes and Piegans, and was about to say, that the idea of there being these immense wheat fields in the very heart of a wilderness, hundreds and hundreds of miles beyond the utmost verge of civilization, may appear to some gentlemen as rather incongruous, as rather too great a strain on the "blankets" of veracity. But to my mind, there is no difficulty in the matter whatever. The phenomenon is very easily accounted for. It is evident sir, that the Piegans sowed that wheat there and plowed it in with buffalo bulls. Now, sir this fortunate combination of buffaloes and Piegans, considering their relative positions to each other and to *Duluth*, as they are arranged on this map, satisfies me that *Duluth* is destined to be the best market of the world. Here, you will observe (pointing to the map), are the buffaloes, directly between the Piegans and *Duluth*; and here, right on the road to *Duluth*, are the Creeks. Now, sir, when the buffaloes are sufficiently fat from grazing on those immense wheat fields, you see it will be the easiest thing in the world for the Piegans to drive them on down, stay all night with their friends, the Creeks, and go into *Duluth* in the morning. I think I see them, now, sir, a vast herd of buffaloes, with their heads down, their eyes glaring, their nostrils dilated, their tongues out, and their tails curled over their backs, tearing along toward *Duluth*, with about a thousand Piegans on their grass-bellied ponies, yelling at their heels! On they come! And as they sweep past the Creeks, they join in the chase, and away they all go, yelling, bellowing, ripping and tearing along, amid clouds of dust, until the

last buffalo is safely penned in the stock yards at *Duluth*.

Sir, I might stand here for hours and hours, and expiate with rapture upon the gorgeous prospects of *Duluth*, as depicted upon this map. But human life is too short, and the time of this House far too valuable to allow me to linger longer upon this delightful theme. I think every gentleman upon this floor is as well satisfied as I am that *Duluth* is destined to become the commercial metropolis of the universe, and that this road should be built at once. I am fully persuaded that no patriotic representative of the American people, who has a proper appreciation of the associated glories of *Duluth* and the St. Croix, will hesitate a moment that every able-bodied female in the land, between the ages of eighteen and forty-five, who is in favor of "woman's rights," should be drafted and set to work upon this great work without delay. Nevertheless, sir, it grieves my very soul to be compelled to say that I cannot

vote for the grant of lands provided for in this bill.

Ah, sir, you can have no conception of the poignancy of my anguish that I am deprived of that blessed privilege! There are two insuperable obstacles in the way. In the first place, my constituents, for whom I am acting here, have no more interest in this road than they have in the great question of culinary taste now, perhaps, agitating the public mind of Dominica, as to whether the illustrious commissioners, who recently left this capital for that free and enlightened republic, would be better fricasseed boiled, or roasted, and, in the second place, these lands, which I am asked to give away, alas, are not mine to bestow! My relation to them is simply that of trustee to an express trust. And shall I ever betray that trust? Never, sir! Rather perish *Duluth*! Perish the paragon of cities! Rather let the freezing cyclones of the bleak Northwest bury it forever beneath the eddying sands of the raging St. Croix.









• CARL SCHURZ.

ENGRAVED FOR DRATCHER AND DRATCHY, FAIRBANKS, PALMER & CO., PUBLISHERS.

## CARL SCHURZ.

**A**MONG the men of influence whom Germany has furnished to America in later years, Carl Schurz stands prominent. Born at Liblar, near Cologne, on the 2d of March, 1829, he received the best instruction the institutions of that country afforded. First he attended the Gymnasium of Cologne, and then the University of Bonn, where he studied from 1846 to 1848. He was engaged in some of the revolutionary attempts of those unsettled times, both in editorial work and as a soldier in the field. He fought in the defense of Rhastadt, with the rank of adjutant, went afterward to Switzerland, but soon returned, and succeeded in releasing his friend Kinkel, who had been captured and imprisoned in the fortress of Spandau. He spent some time in Paris in 1851-2, and came to the United States during the latter year. He remained in Philadelphia about three years, when he removed to Wisconsin, and settled in Madison, but removed to Milwaukee in 1859, where he established himself in the practice of law. He had already entered the field of politics,

uniting with the Republican party, which was just being organized, and exerting quite an extensive influence among the German citizens of the state. In 1857 he had been the unsuccessful candidate for lieutenant governor on the Republican ticket. He was a member of the Chicago convention which nominated Lincoln, in 1860, and was appointed Minister to Spain in the following year.

He was not satisfied in this quiet post, while more stirring work was in progress in his adopted country, and resigned his position in less than a year, returned home, and entered the army, receiving the appointment of Brigadier-General in 1862, and about a year later that of Major-General. He participated in the second battle of Bull Run, where he was in command of a division. He took part, also, in the battles of Chancellorsville, Gettysburg, where he was in command of the 11th corps, and in Chattanooga.

Since the war he has been variously engaged, but always busy, and generally quite prominent. He was for a year or two Capital correspondent of the New

York "Tribune." He established the "Post" in Detroit, Michigan, in 1866. After one year he removed to St. Louis, Missouri, and became editor of a German paper. He served six years as Senator from Missouri, from 1869 to 1875. He was a member of the Liberal convention which nominated Greeley for President in 1872, and earnestly advocated his elec-

tion. In 1875 he removed to New York, and, as usual, lived in politics. During President Hayes' administration, he served in the Cabinet as Secretary of the Interior.

In 1881 he returned to New York, and soon after took editorial charge of the "Evening Post," with which paper he is at present connected.



## POLITICAL DISABILITIES.

*Mr. Schurz's Speech, delivered in the United States Senate, Jan. 30, 1872.*

MR. PRESIDENT: When this debate commenced before the holidays, I refrained from taking part in it, and from expressing my opinion on some of the provisions of the bill now before us, hoping, as I did, that the measure could be passed without difficulty, and that a great many of those who now labor under political disabilities would be immediately relieved. This expectation was disappointed. An amendment to the bill was adopted. It will have to go back to the House of Representatives now, unless by some parliamentary means we get rid of the amendment, and there being no inducement left to waive what criticism we might feel inclined to bring forward, we may consider the whole question open.

I beg leave to say that I am in favor of general, or as this word is considered more expressive, universal amnesty, believing, as I do, that the reasons which make it desirable that there should be amnesty granted at all, make it also desirable that the amnesty should be universal. The Senator from South Carolina, [Mr. Sawyer], has already given notice that he will move to strike out the exceptions from the

operation of this act of relief for which the bill provides. If he had not declared his intention to that effect, I would do so. In any event, whenever he offers his amendment I shall most heartily support it.

In the course of this debate we have listened to some Senators, as they conjured up before our eyes once more, all the horrors of the rebellion, the wickedness of its conception, how terrible its incidents were, and how harrowing its consequences. Sir, I admit it all; I will not combat the correctness of the picture; and yet if I differ with the gentleman who drew it, it is because, had the conception of the rebellion been still more wicked, had its incidents been still more terrible, its consequences still more harrowing, I could not permit myself to forget that in dealing with the question now before us, we have to deal not alone with the past, but with the present and future interests of this Republic.

What do we want to accomplish as good citizens and patriots? Do we mean only to inflict upon late rebels pain, degradation, mortification, annoyance, for its own sake, to torture their

feelings without any ulterior purpose? Certainly such a purpose could not by any possibility animate high-minded men. I presume, therefore, that those who still favor the continuance of some of the disabilities imposed by the fourteenth amendment, do so because they have some higher object of public usefulness in view, an object of public usefulness sufficient to justify, in their minds at least, the denial of rights to others, which we ourselves enjoy.

What can those objects of public usefulness be? Let me assume that, if we differ as to the means to be employed, we are agreed as to the supreme end and aim to be reached. That end and aim of our endeavors can be no other than to secure to all the States the blessings of good and free government, and the highest degree of prosperity and well-being they can attain, and to revive in all citizens of this Republic that love for the Union and its institutions, and that inspiring consciousness of a common nationality, which, after all, must bind all Americans together.

What are the best means for the attainment of that end? This, sir, as I conceive it, is the only legitimate question we have to decide. Certainly all will agree that this end is far from having been attained so far. Look at the Southern States as they stand before us to-day. Some are in a condition bordering upon anarchy, not only on account of the social disorders which are occurring there, or the inefficiency of their local governments, in securing the enforcement of the laws; but you will find in many of them fearful corruption pervading the whole political organization; a combination of rascality and ignorance wielding official power; their finances deranged by profligate practices; their credit ruined; bankruptcy staring them in the face; their industries staggering under a fearful load of taxation; their property-holders and capitalists paralyzed by a feeling of insecurity and distrust, almost amounting to despair. Sir, let us not try to disguise these facts, for the

world knows them to be so, and knows it but too well.

What are the causes that have contributed to bring about this distressing condition? I admit that great civil wars, resulting in such vast social transformations as the sudden abolition of slavery, are calculated to produce similar results; but it might be presumed that a recuperative power, such as this country possesses, might, during the time which has elapsed since the close of the war at least, have very materially alleviated many of the consequences of that revulsion, had a wise policy been followed.

Was the policy we followed wise? Was it calculated to promote the great purposes we are endeavoring to serve? Let us see. At the close of the war we had to establish and secure free labor and the rights of the emancipated class. To that end we had to disarm those who could have prevented this, and we had to give the power of self-protection to those who needed it. For this reason temporary restrictions were imposed upon the late Rebels, and we gave the right of suffrage to the colored people. Until the latter were enabled to protect themselves, political disabilities, even more extensive than those which now exist, rested upon the plea of eminent political necessity. I would be the last man to conceal that I thought so then, and I think there was very good reason for it.

But, sir, when the enfranchisement of the colored people was secured; when they had obtained the political means to protect themselves, then another problem began to loom up. It was not only to find new guarantees for the rights of the colored people, but it was to secure good and honest government to all. Let us not under-estimate the importance of that problem, for in a great measure it includes the solution of the other. Certainly nothing could have been more calculated to remove the prevailing discontent concerning the changes that had taken place, and to reconcile men's minds to the new order of things than the tangible proof that that

ew order of things was practically working well; that it could produce a wise and economical administration of public affairs, and that it would promote general prosperity, thus healing the wounds of the past, and opening to all the prospect of a future of material well-being and contentment. And, on the other hand, nothing could have been more calculated to impede a general, hearty, and honest acceptance of the new order of things by the late Rebel population than just those failures of public administration which involve the people in material embarrassments, and so seriously disturb their comfort. In fact, good, honest, and successful government in the Southern States would in its moral effects, in the long run, have exerted a far more beneficial influence than all your penal legislation, while your penal legislation will fail in its desired effects, if we fail in establishing in the Southern States an honest and successful administration of the public business.

Now, what happened in the South? It is a well-known fact that the more intelligent classes of Southern society almost uniformly identified themselves with the rebellion; and, by our system of political disabilities, just those classes were excluded from the management of political affairs. That they could not be trusted with the business of introducing into living practice the results of the war, to establish true free labor, and to protect the rights of the emancipated slaves, is true; I willingly admit it. But, when those results and rights were constitutionally secured there were other things to be done. Just at that period when the Southern States lay prostrated and exhausted at our feet, when the destructive besom of war had swept over them and left nothing but desolation and ruin in its track, when their material interests were to be built up again with care and foresight—just then the public business demanded, more than ordinarily, the co-operation of all the intelligence and all the political experience that could be mustered in the Southern States. But, just then,

a large portion of that intelligence and experience was excluded from the management of public affairs by political disabilities, and the controlling power in those States rested in a great measure in the hands of those who had but recently been slaves, and just emerged from that condition, and in the hands of others who had sometimes honestly, sometimes by crooked means and for sinister purposes, found a way to their confidence.

This was the state of things as it then existed. Nothing could be further from my intention than to cast a slur upon the character of the colored people of the South. In fact, their conduct immediately after that great event which struck the shackles of slavery from their limbs, was above praise. Look into the history of the world, and you will find that almost every similar act of emancipation, the abolition of serfdom, for instance, was uniformly accompanied by the atrocious outbreaks of a revengeful spirit; by the slaughter of nobles and their families, illumined by the glare of their burning castles. Not so here. While all the horrors of San Domingo had been predicted as certain to follow upon emancipation, scarcely a single act of revenge for injuries suffered, or for misery endured, has darkened the record of the emancipated bondmen of America. And thus their example stands unrivaled in history, and they, as well as the whole American people, may well be proud of it. Certainly, the Southern people should never cease to remember and appreciate it.

But, while the colored people of the South earned our admiration and gratitude, I ask you in all candor could they be reasonably expected, when, just after having emerged from a condition of slavery, they were invested with political rights and privileges, to step into the political arena as men armed with the intelligence and experience necessary for the management of public affairs, and for the solution of problems made doubly intricate by the disasters which

had desolated the Southern country? Could they reasonably be expected to manage the business of public administration, involving to so great an extent the financial interests and the material well-being of the people, and surrounded by difficulties of such fearful perplexity, with the wisdom and skill required by the exigencies of the situation? That, as a class, they were ignorant and inexperienced, and lacked a just conception of public interests, was certainly not their fault; for those who have studied the history of the world know but too well that slavery and oppression are very bad political schools. But the stubborn fact remains that they *were* ignorant and inexperienced; that the public business *was* an unknown world to them, and that, in spite of the best intentions, they *were* easily misled, not unfrequently by the most reckless rascality which had found a way to their confidence. Thus their political rights and privileges were undoubtedly well calculated, and even necessary, to protect their rights as free laborers and citizens; but they were not well calculated to secure a successful administration of other public interests.

I do not blame the colored people for it, still less do I say that for this reason their political rights and privileges should have been denied them. Nay, sir, I deemed it necessary then, and I now reaffirm that opinion, that they should possess those rights and privileges for the permanent establishment of the logical and legitimate results of the war, and the protection of their new position in society. But, while never losing sight of this necessity, I do say that the inevitable consequence of the admission of so large an uneducated and inexperienced class to political power, as to the probable mismanagement of the material interests of the social body, should at least have been mitigated by a counterbalancing policy. When ignorance and inexperience were admitted to so large an influence upon public affairs, intelligence ought no longer to so large an extent to have been ex-

cluded. In other words, when universal suffrage was granted to secure the equal rights of all, universal amnesty ought to have been granted to make all the resources of political intelligence and experience available for the promotion of the welfare of all.

But what did we do? To the uneducated and inexperienced classes—uneducated and inexperienced, I repeat, entirely without their fault—we opened the road to power; and, at the same time, we condemned a large proportion of the intelligence of those States, of the property-holding, the industrial, the professional, the tax-paying interest, to a worse than passive attitude. We made it, as it were, easy for rascals who had gone South in quest of profitable adventure to gain the control of masses so easily misled, by permitting them to appear as the exponents and representatives of the national power, and of our policy; and at the same time we branded a large number of men of intelligence, and many of them of personal integrity, whose material interests were so largely involved in honest government, and many of whom would have co-operated in managing the public business with care and foresight—we branded them, I say, as outcasts, telling them that they ought not to be suffered to exercise any influence upon the management of the public business, and it would be unwarrantable presumption in them to attempt it.

I ask you, sir, could such things fail to contribute to the results we to-day read in the political corruption and demoralization, and in the financial ruin of some of the Southern States? These results are now before us. The mistaken policy may have been pardonable when these consequences were still a matter of conjecture and speculation; but what excuse have we now for continuing it when those results are clear before our eyes, beyond the reach of contradiction?

These considerations would seem to apply more particularly to those Southern States

where the colored element constitutes a very large proportion of the voting body. There is another which applies to all.

When the rebellion stood in arms against us we fought and overcame force by force. That was right. When the results of the war were first to be established and fixed, we met the resistance they encountered with that power which the fortunes of war and the revolutionary character of the situation had placed at our disposal. The feelings and prejudices which then stood in our way, had, under such circumstances, but little, if any, claim to our consideration. But, when the problem presented itself of securing the permanency, the peaceable development, and the successful working of the new institutions we had introduced into our political organism, we had as wise men to take into careful calculation the moral forces we had to deal with; for, let us not indulge in any delusion about this; what is to be permanent in a Republic like this must be supported by public opinion; it must rest at least upon the willing acquiescence of a large and firm majority of the people.

The introduction of the colored people, the late slaves, into the body-politic as voters, pointedly affronted the traditional prejudices prevailing among the Southern whites. What should we care about those prejudices? In war, nothing. After the close of the war, in the settlement of peace, not enough to deter us from doing what was right and necessary; and yet, still enough to take them into account when considering the manner in which right and necessity were to be served. Statesmen will care about popular prejudices as physicians will care about the diseased condition of their patients, which they want to ameliorate. Would it not have been wise for us, looking at those prejudices as a morbid condition of the Southern mind, to mitigate, to assuage, to disarm them by prudent measures, and thus to weaken their evil influence? We desired the Southern whites

to accept in good faith universal suffrage, to recognize the political rights of the colored man, and to protect him in their exercise. Was not that our sincere desire? But if it were, would it not have been wise to remove as much as possible the obstacles that stood in the way of that consummation? But what did we do? When we raised the colored people to the rights of active citizenship and opened to them all the privileges of eligibility, we excluded from those privileges a large and influential class of whites; in other words, we lifted the late slave, uneducated and inexperienced as he was—I repeat, without his fault—not merely to the level of the late master class, but even above it. We asked certain white men to recognize the colored man in a political status, not only as high, but even higher, than their own. We might say that, under the circumstances, we had a perfect right to do that, and I will not dispute it; but, I ask you most earnestly, sir, was it wise to do it? If you desired the white man to accept and recognize the political equality of the black, was it wise to embitter and to exasperate his spirit with the stinging stigma of his own inferiority? Was it wise to withhold from him privileges in the enjoyment of which he was to protect the late slave? This was not assuaging, disarming prejudice; this was rather inciting, it was exasperating it. American statesmen will understand and appreciate human nature as it has developed itself under the influence of free institutions. We know that if we want any class of people to overcome their prejudices in respecting the political rights and privileges of any other class, the very first thing we have to do is to accord the same rights and privileges to them. No American was ever inclined to recognize in others public rights and privileges from which he himself was excluded; and, for aught I know, in this very feeling, although it may take an objectionable form, we find one of the safeguards of popular liberty.

You tell me that the late Rebels had deserved

all this in the way of punishment. Granting that, I beg leave to suggest that this is not the question. The question is, what were the means best calculated to overcome the difficulties standing in the way of a willing and universal recognition of the new rights and privileges of the emancipated class? What were the means to overcome the hostile influences impeding the development of the harmony of society in its new order? I am far from asserting that had no disabilities existed, universal suffrage would have been received by the Southern whites with universal favor. No, sir, most probably it would not; but I do assert that the existence of disabilities, which put so large and influential a class of whites in point of political privileges below the colored people, could not fail to inflame those prejudices which stood in the way of a general and honest acceptance of the new order of things; they increased, instead of diminishing, the dangers and difficulties surrounding the emancipated class; and nobody felt that more keenly than the colored people of the South themselves. To their honor, be it said, following a just instinct, they were among the very first, not only in the South, but all over the country, in entreating Congress to remove those odious discriminations which put in jeopardy their own rights by making them greater than those of others. From the colored people themselves, it seems, we have in this respect received a lesson in statesmanship.

Well, then, what policy does common sense suggest to us now? If we sincerely desire to give to the Southern States good and honest government, material prosperity, and measurable contentment, as far, at least, as we can contribute to that end; if we really desire to weaken and disarm those prejudices and resentments which still disturb the harmony of society, will it not be wise, will it not be necessary, will it not be our duty to show that we are in no sense the allies and abettors of those who use their political power to plunder their fellow-citizens,

and that we do not mean to keep one class of people in unnecessary degradation by withholding from them rights and privileges which all others enjoy? Seeing the mischief which the system of disabilities is accomplishing, is it not time that there should be at least an end of it; or is there any good it can possibly do to make up for the harm it has already wrought, and is still working?

Look at it. Do these disabilities serve in any way to protect anybody in his rights, or in his liberty, or in his property, or in his life? Does the fact that some men are excluded from office, in any sense or measure, make others more secure in their lives, or in their property, or in their rights? Can anybody tell me how? Or do they, perhaps, prevent even those who are excluded from official position from doing mischief if they are mischievously inclined? Does the exclusion from office, does any feature of your system of political disabilities, take the revolver, or the bowie-knife, or the scourge from the hands of any one who wishes to use it? Does it destroy the influence of the more intelligent upon society, if they mean to use that influence for mischievous purposes?

We hear the Ku Klux outrages spoken of as a reason why political disabilities should not be removed. Did not these very same Ku Klux outrages happen while disabilities were in existence? Is it not clear, then, that the existence of political disabilities did not prevent them? No, sir, if political disabilities have any practical effect, it is, while not in any degree diminishing the power of the evil-disposed for mischief, to incite and sharpen their mischievous inclination by increasing their discontent with the condition they live in.

It must be clear to every impartial observer that, were ever so many of those who are now disqualified, put in office, they never could do with their official power as much mischief as the mere fact of the existence of the system of political disabilities, with its inevitable conse-



quences, is doing to-day. The scandals of misgovernment in the South which we complain of I admit were not the first and original cause of the Ku Klux outrages. But every candid observer will also have to admit that they did serve to keep the Ku Klux spirit alive. Without such incitement it might gradually, by this time, to a great extent at least, have spent itself. And now, if the scandals of misgovernment were, partly at least, owing to the exclusion of so large a portion of the intelligence and experience of the South from the active management of affairs, must it not be clear that a measure which will tend to remedy this evil may also tend to reduce the causes which still disturb the peace and harmony of society?

We accuse the Southern whites of having missed their chance of gaining the confidence of the emancipated class when, by a fairly-demonstrated purpose of recognizing and protecting them in their rights, they might have acquired upon them a salutary influence. That accusation is by no means unjust; but, must we not admit, also, that, by excluding them from their political rights and privileges we put the damper of most serious discouragement upon the good intentions which might have grown up among them? Let us place ourselves in their situation, and then I ask you how many of us would, under the same circumstances, have risen above the ordinary impulses of human nature to exert a salutary influence in defiance of our own prejudices, being so pointedly told every day that it was not the business of those laboring under political disabilities to meddle with public affairs at all. And thus, in whatever direction you may turn your eyes, you look in vain for any practical good your political disabilities might possibly accomplish. You find nothing, absolutely nothing, in their practical effects but the aggravation of evils already existing, and the prevention of a salutary development.

Is it not the part of wise men, sir, to acknowl-

edge the failure of a policy like this in order to remedy it, especially since every candid mind must recognize that, by continuing the mistake, absolutely no practical good can be subserved?

But, I am told, that the system of disabilities must be maintained for a certain moral effect. The Senator from Indiana [Mr. Morton] took great pains to inform us that it is absolutely necessary to exclude somebody from office in order to demonstrate our disapprobation of the crime of rebellion. Metinks that the American people have signified their disapprobation of the crime of rebellion in a far more pointed manner. They sent against the rebellion a million armed men. We fought and conquered the armies of the Rebels; we carried desolation into their land; we swept out of existence that system of slavery which was the soul of their offense, and was to be the corner-stone of their new empire. If that was not signifying our disapprobation of the crime of rebellion, then I humbly submit that your system of political disabilities, only excluding some persons from office, will scarcely do it.

I remember, also, to have heard the argument that, under all circumstances, the law must be vindicated. What law in this case? If any law is meant, it must be the law imposing the penalty of death upon the crime of treason. Well, if at the close of the war we had assumed the stern and bloody virtue of the ancient Roman, and had proclaimed that he who raises his hand against this Republic must surely die, then we might have claimed for ourselves at least the merit of logical consistency. We might have thought by erecting a row of gallows stretching from the Potomac to the Rio Grande, and by making a terrible example of all those who had proved faithless to their allegiance, we would strike terror into the hearts of this and coming generations, to make them tremble at the mere thought of treasonable undertakings. That we might have done. Why did we not? Because the American people instinctively recoiled from the idea;

because every wise man remembered that, where insurrections are punished and avenged with the bloodiest hands, there insurrections do most frequently occur; witness France and Spain, and the southern part of this hemisphere; that there is a fascination for bloody reckonings which allures instead of repelling—a fascination like that of the serpent's eye, which irresistibly draws on its victim. The American people recoiled from it, because they felt and knew that the civilization of the nineteenth century has for such evils a better medicine than blood.

Thus, sir, the penalty of treason as provided for by law, remained a dead letter on the statute-book, and we instinctively adopted a generous policy, and we added fresh luster to the glory of the American name by doing so. And now you would speak of vindicating the law against treason, which demands death, by merely excluding a number of persons from eligibility to office! Do you not see that, as a vindication of the law against treason, as an act of punishment, the system of disabilities sinks down to the level of a ridiculous mockery? If you want your system of disabilities to appear at all in a respectable light, then, in the name of common sense, do not call it a punishment for treason. Standing there, as it does, stripped of all the justification it once derived from political necessity, it would appear only as the evidence of an impotent desire to be severe, without the courage to carry it out. But, having once adopted the policy of generosity, the only question for us is how to make that policy most fruitful. The answer is, we shall make the policy of generosity most fruitful by making it most complete.

The Senator from Connecticut [Mr. Buckingham], whom I am so unfortunate as not to see in his seat to-day, when he opened the debate, endeavored to fortify his theory by an illustration borrowed from the Old Testament, and I am willing to take that illustration off his hands. He asked, if Absalom had lived after his treason, and had been excluded from his father's table,

would he have had a just reason to complain of an unjust deprivation of rights? It seems to me that story of Absalom contains a most excellent lesson, which the Senate of the United States ought to read correctly. For the killing of his brother, Absalom had lived in banishment, from which the king, his father, permitted him to return; but the wayward son was but half pardoned, for he was not permitted to see his father's face. And it was for that reason, and then, that he went among the people to seduce them into a rebellion against his royal father's authority. Had he survived that rebellion, King David, as a prudent statesman, would either have killed his son Absalom, or he would have admitted him to his table, in order to make him a good son again by unstinted fatherly love. But he would certainly not have permitted his son Absalom to run at large, capable of doing mischief, and at the same time by small measures of degradation inciting him to do it. And that is, just the policy we have followed. We have permitted the late Rebels to run at large, capable of doing mischief, and then, by small measures of degradation, utterly useless for any good purpose, we incited them to do it. Looking at your political disabilities with an impartial eye, you will find that, as a measure of punishment, they did not go far enough; as a measure of policy, they went much too far. We were far too generous to subjugate the hearts of our late enemies by terror; and we mixed our generosity with just enough of bitterness to prevent it from bearing its full fruit. I repeat, we can make the policy of generosity most fruitful only by making it most complete. What objection, then, can stand against this consideration of public good?

You tell me that many of the late Rebels do not deserve a full restoration of their rights. That may be so; I do not deny it; but yet, sir, if many of them do not deserve it, is it not a far more important consideration, how much the welfare of the country will be promoted by it?

I am told that many of the late Rebels, if we volunteer a pardon to them, would not appreciate it. I do not deny this; it may be so, for the race of fools, unfortunately, is not all dead yet; but, if they do not appreciate it, shall we have no reason to appreciate the great good which by this measure of generosity will be conferred upon the whole land?

Some Senator, referring to a defaulting paymaster who experienced the whole rigor of the law, asked us, "When a poor defaulter is punished, shall a Rebel go free? Is embezzlement a greater crime than treason?" No, sir, it is not; but again I repeat, that is not the question. The question is, whether a general amnesty to Rebels is not far more urgently demanded by the public interest than a general pardon for thieves. Whatever may be said of the greatness, and the heinous character of the crime of rebellion, a single glance at the history of the world, and at the practice of other nations, will convince you, that in all civilized countries, the measure of punishment to be visited on those guilty of that crime, is almost uniformly treated as a question of great policy, and almost never, as a question of strict justice. And why is this? Why is it that a thief, although pardoned, will never again be regarded as an untainted member of society, while a pardoned Rebel may still rise to the highest honors of the State, and sometimes, even, gain the sincere and general esteem and confidence of his countrymen? Because a broad line of distinction is drawn between a violation of law, in which political opinion is the controlling element (however erroneous, nay, however revolting that opinion may be, and however disastrous the consequences of the act), and those infamous crimes of which moral depravity is the principal ingredient; and because, even the most disastrous political conflicts may be composed for the common good, by a conciliatory process, while the infamous crime always calls for a strictly penal correction. You may call this just or not, but

such is the public opinion of the civilized world, and you find it in every civilized country.

Look at the nations around us. In the Parliament of Germany, how many men are there sitting who were once what you would call fugitives from justice, exiles on account of their revolutionary acts, now admitted to the great council of the nation in the fullness of their rights and privileges—and mark you, without having been asked to abjure the opinions they formerly held, for, at the present moment, most of them still belong to the Liberal opposition. Look at Austria, where Count Andrassy, a man who, in 1849, was condemned to the gallows as a rebel, at this moment stands at the head of the imperial ministry; and those who know the history of that country are fully aware that the policy of which that amnesty was a part, which opened to Count Andrassy the road to power, has attached Hungary more closely than ever to the Austrian crown, from which a narrow-minded policy of severity would have driven her.

Now, sir, ought we not to profit by the wisdom of such examples? It may be said that other governments were far more rigorous in their first repressive measures, and that they put off the grant of a general amnesty much longer after suppressing an insurrection than we are required to do. So they did; but is not this the great Republic of the New World which marches in the very vanguard of modern civilization, and which, when an example of wisdom is set by other nations, should not only rise to its level, but far above it.

It seems now to be generally admitted that the time has come for a more comprehensive removal of political disabilities than has so far been granted. If that sentiment be sincere, if you really do desire to accomplish the greatest possible good by this measure that can be done, I would ask you what practical advantage do you expect to derive from the exclusions for which this bill provides? Look at them, one after another.

First, all those are excluded who, when the rebellion broke out, were members of Congress, and left their seats in these halls to join it. Why are these men to be excluded as a class? Because this class contains a number of prominent individuals, who, in the rebellion, became particularly conspicuous and obnoxious, and among them we find those whom we might designate as the original conspirators. But these are few, and they might have been mentioned by name. Most of those, however, who left their seats in Congress to make common cause with the Rebels were in no way more responsible for the rebellion than other prominent men at the South who do not fall under this exception. If we accept at all the argument that it will be well for the cause of good government and the material welfare of the South to readmit to the management of public affairs all the intelligence and political experience in those States, why, then, exclude as a class men who, having been members of Congress, may be presumed to possess a higher degree of that intelligence and experience than the rest? If you want that article at all for good purposes, I ask you, do you not want as large a supply of that article as you can obtain?

Leaving aside the original conspirators, is there any reason in the world why those members of Congress should be singled out from the numerous class of intelligent and prominent men, who were, or had been in office, and had taken the same oath which is administered in these halls. Look at it. You do not propose to continue the disqualification of men who served this country as foreign ministers, who left their important posts, betrayed the interests of this country in foreign lands, to come back and join the rebellion; you do not propose to exclude from the benefit of this act those who sat upon the bench and doffed the judicial ermine to take part in the rebellion; and, if such men are not to be disfranchised, why disfranchise the common run of the Congressmen,

whose guilt is certainly not greater, if it be as great? Can you tell me? Is it wise even to incur the suspicion of making an exception merely for the sake of excluding somebody, when no possible good can be accomplished by it, and when you can thus only increase the number of men incited to discontent and mischief by small and unnecessary degradations?

And now as to the original conspirators, what has become of them? Some of them are dead; and as to those who are still living, I ask you, sir, are they not dead also? Look at Jefferson Davis himself. What if you exclude even him—and certainly our feelings would naturally impel us to do so; but let our reason speak—what if you exclude even him? Would you not give him an importance which otherwise he never would possess, by making people believe that you are even occupying your minds enough with him to make him an exception to an act of generous wisdom? Truly, to refrain from making an act of amnesty general on account of the original conspirators, candidly speaking, I would not consider worth while. I would not leave them the pitiable distinction of not being pardoned. Your very generosity will be to them the source of the bitterest disappointment. As long as they are excluded, they may still find some satisfaction in the delusion of being considered men of dangerous importance. Their very disabilities they look upon to-day as a recognition of their power. They may still make themselves and others believe that, were the Southern people only left free in their choice, they would eagerly raise them again to the highest honors.

But, you relieve them of their exclusion, and they will at once become conscious of their nothingness, a nothingness most glaringly conspicuous then, for you will have drawn away the veil that has concealed it. I suspect that gentlemen on the Democratic side of the House, whom they would consider their political friends, would be filled with dismay at the mere thought

of their reappearance among them. If there is anything that could prevent them from voting for universal amnesty, it might be the fear, if they entertained it at all, of seeing Jefferson Davis once more a Senator of the United States.

But, more than that, you relieve that class of persons, those old misleaders, of their exclusion, and they will soon discover that the people whom they once plunged into disaster and ruin have in the meantime grown, if not as wise as they ought to be, certainly too wise to put their destinies in the hands of the same men again. I hope, therefore, you will not strip this measure of the merit of being a general amnesty, to spare the original plotters this most salutary experience.

So much for the first exception. Now to the second. It excludes from the benefit of this act all those who were officers of the Army or of the Navy, and then joined the rebellion. Why exclude that class of persons? I have heard the reason very frequently stated upon the floor of the Senate; it is because those men had been educated at the public expense, and their turning against the government was, therefore, an act of peculiar faithlessness and black ingratitude. That might appear a very strong argument at first sight. But, I ask you, was it not one of the very first acts of this administration to appoint one of the most prominent and conspicuous of that class to a very lucrative and respectable public office? I mean General Longstreet. He had obtained his military education at the expense of the American people. He was one of the wards, one of the pets of the American Republic, and then he turned against it as a Rebel. Whatever of faithlessness, whatever of black ingratitude there is in such conduct, it was in his; and yet, in spite of all this, the President nominated him for an office, and your consent, Senators, made him a public dignitary. Why did you break the rule in his case? I will not say that you did it because he had become a Republican, for I am far from at-

tributing any mere partisan motive to your action. No; you did it because his conduct after the close of hostilities had been that of a well-disposed and law-abiding citizen. Thus, then, the rule which you, Senators, have established for your own conduct, is simply this: You will in the case of officers in the army or the navy waive the charge of peculiar faithlessness and ingratitude if the persons in question after the war have become law-abiding and well-disposed citizens. Well, is it not a fact universally recognized, and I believe, entirely uncontradicted, that of all classes of men connected with the rebellion there is not one whose conduct since the close of the war, has been so unexceptionable, and in a great many instances so beneficial in its influence upon Southern society, as the officers of the army and the navy, especially those who, before the war had been members of our regular establishments? Why, then, except this act of amnesty? If you take subsequent good conduct into account at all, these men are the very last who, as a class, ought to be excluded. And would it not be well to encourage them in well-doing by a sign on our part that they are not to be looked upon as outcasts whose influence is not desired, even when they are inclined to use it for the promotion of the common welfare?

The third class excluded consists of those who were members of State conventions, and in those State conventions voted for ordinances of secession. If we may judge from the words which fell from the lips of the Senator from Indiana, they were the objects of his particular displeasure. Why this? Here we have a large number of men of local standing who, in some cases, may have been leaders on a small scale, but most of whom were drawn into the whirl of the revolutionary movement just like the rest of the Southern population. If you accept the proposition that it will be well and wise to permit the intelligence of the country to participate in the management of the public business, the exclusion of just these people will appear espe-

cially inappropriate, because their local influence might be made peculiarly beneficial; and, if you exclude these persons, whose number is considerable, you tell just that class of people whose co-operation might be made most valuable, that their co-operation is not wanted, for the reason that, according to the meaning and intent of your system of disabilities, public affairs are no business of theirs. You object that they are more guilty than the rest. Suppose they are—and in many cases I am sure they are only apparently so—but, if they were not guilty of any wrong, they would need no amnesty. Amnesty is made for those who bear a certain degree of guilt. Or, would you indulge here in the solemn farce of giving pardon only to those who are presumably innocent? You grant your amnesty, that it may bear good fruit; and, if you do it for that purpose, then do not diminish the good fruit it may bear by leaving unplanted the most promising soil upon which it may grow.

A few words now about the second section of the bill before you, which imposes upon those who desire to have the benefit of amnesty the duty of taking an oath to support the Constitution before some public officer, that oath to be registered, the list to be laid before Congress, and to be preserved in the office of the Secretary of State. Sir, I ask you, can you or any one tell me what practical good is to be accomplished by a provision like this? You may say that the taking of another oath will do nobody any harm. Probably not; but, can you tell me, in the name of common sense, what harm in this case the taking of that oath will prevent? Or, have we read the history of the world in vain, that we should not know yet how little political oaths are worth to improve the morality of a people, or to secure the stability of a government? And what do you mean to accomplish by making up and preserving your lists of pardoned persons? Can they be of any possible advantage to the country in any way? Why,

then, load down an act like this with such useless circumstance, while, as an act of grace and wisdom, it certainly ought to be as straightforward and simple as possible?

Let me now in a few words once more sum up the whole meaning of the question which we are now engaged in discussing. No candid man can deny that our system of political disabilities is in no way calculated to protect the rights, or the property, or the life, or the liberty, of any living man, or in any way practically to prevent the evil-disposed from doing mischief. Why do you think of granting any amnesty at all? Is it not to produce on the popular mind at the South a conciliatory effect, to quicken the germs of good intentions, to encourage those who can exert a beneficial influence, to remove the pretexts of ill-feeling and animosity, and to aid in securing to the Southern States the blessings of good and honest government? If that is not your design, what can it be?

But, if it be this, if you really do desire to produce such moral effects, then I entreat you also, to consider what moral means you have to employ in order to bring forth those moral effects you contemplate. If an act of generous statesmanship, or of statesman-like generosity, is to bear full fruit, it should give not as little as possible, but it should give as much as possible. You must not do things by halves, if you want to produce whole results. You must not expose yourself to the suspicion of a narrow-minded desire to pinch off the size of your gift wherever there is a chance for it, as if you were afraid you could by any possibility give too much, when giving more would benefit the country more, and when giving less would detract from the beneficent effect of that which you do give.

Let me tell you, it is the experience of all civilized nations, the world over, when an amnesty is to be granted at all, the completest amnesty is always the best. Any limitation you

may impose, however plausible it may seem at first sight, will be calculated to take away much of the virtue of that which is granted. I entreat you, then, in the name of the accumulated experience of history, let there be an end of these bitter, and useless, and disturbing questions; let the books be finally closed, and when the subject is forever dismissed from our discussions, and our minds, we shall feel as much relieved as those who are relieved of their political disabilities.

Sir, I have to say a few words about an accusation which has been brought against those who speak in favor of universal amnesty. It is the accusation resorted to, in default of more solid argument, that those who advise amnesty, especially universal amnesty, do so because they have fallen in love with the Rebels. No, sir, it is not merely for the Rebels I plead. We are asked, shall the rebellion go entirely unpunished? No, sir, it shall not. Neither do I think that the rebellion has gone entirely unpunished. I ask you, had the Rebels nothing to lose but their lives and their offices? Look at it. There was a proud and arrogant aristocracy, planting their feet on the necks of the laboring people, and pretending to be the born rulers of this great Republic. They looked down, not only upon their slaves, but also upon the people of the North, with the haughty contempt of self-asserting superiority. When their pretensions to rule us all were first successfully disputed, they resolved to destroy this Republic, and to build up on the cornerstone of slavery an empire of their own, in which they could hold absolute sway. They made the attempt with the most overweeningly confident expectation of certain victory. Then came the civil war, and after four years of struggle, their whole power and pride lay shivered to atoms at our feet, their sons dead by tens of thousands on the battle-fields of this country, their fields and their homes devastated, their fortunes destroyed; and, more than that,

the whole social system in which they had their very being, with all their hopes and pride, utterly wiped out; slavery forever abolished, and the slaves themselves created a political power, before which they had to bow their heads, and they, broken, ruined, helpless and hopeless in the dust before those upon whom they had so haughtily looked down as their vassals and inferiors. Sir, can it be said that the rebellion has gone entirely unpunished?

You may object that the loyal people, too, were subjected to terrible sufferings; that their sons, too, were slaughtered by tens of thousands; that the mourning of countless widows and orphans, is still darkening our land; that we are groaning under terrible burdens which the rebellion has loaded upon us, and that, therefore, part of the punishment has fallen upon the innocent. And it is certainly true.

But look at the difference. We issued from this great conflict as conquerors; upon the graves of our slain, we could lay the wreath of victory; our widows and orphans, while mourning the loss of their dearest, still remember with proud exultation, that the blood of their husbands and fathers was not spilled in vain; that it flowed for the greatest and holiest, and at the same time, the most victorious of causes; and, when our people labor in the sweat of their brow, to pay the debt which the rebellion has loaded upon us, they do it with the proud consciousness, that the heavy price they have paid, is infinitely overbalanced by the value of the results they have gained; slavery abolished; the great American Republic purified of her foulest stain; the American people, no longer a people of masters and slaves, but a people of equal citizens; the most dangerous element of disturbance and disintegration wiped out from among us; this country put upon the course of harmonious development, greater, more beautiful, mightier than ever, in its self-conscious power. And thus, whatever losses, whatever sacrifices, whatever sufferings we may have en-

dured, they appear before us in a blaze of glory.

But how do the Southern people stand there? All *they* have sacrificed, all *they* have lost, all the blood *they* have spilled, all the desolation of *their* homes, all the distress that stares *them* in the face, all the wreck and ruin *they* see around them, all for nothing, all for a wicked folly, all for a disastrous infatuation, the very graves of their slain nothing but monuments of a shadowy delusion; all their former hopes vanished forever; and the very magniloquence which some of their leaders are still indulging in, nothing but a mocking illustration of their utter discomfiture! Ah, sir, if ever human efforts broke down in irretrievable disaster, if ever human pride was humiliated to the dust, if ever human hopes were turned into despair, there you behold them

You may say that they deserve it all. Yes, but surely, sir, you cannot say that the rebellion has gone entirely unpunished. Nor will the Senator from Indiana, with all his declamation (and I am sorry not now to see him before me) make any sane man believe, that, had no political disabilities ever been imposed, the history of the rebellion, as long as the memory of men retains the recollection of the great story, will ever encourage a future generation to rebel again, or that, if even this great example of disaster should fail to distinguish the spirit of rebellion, his little scarecrow of exclusion from office will be more than a thing to be laughed at by little boys.

And yet, sir, it is certainly true, that, after the close of the war, we treated the Rebels with a generosity never excelled in the history of the world. And thus in advising a general amnesty, it is not merely for the Rebels I plead. But I plead for the good of the country, which in its best interests will be benefited by amnesty.

Nay, sir, I plead also for the colored people of the South, whose path will be smoothed by a measure calculated to assuage some of the prejudices, and to disarm some of the bitternesses

which still confront them; and I am sure that nothing better could happen to them, nothing could be more apt to make the growth of good feeling between them and the former master-class easier than the destruction of a system which, by giving them a political superiority, endangers their peaceable enjoyment of equal rights.

And I may say to my honorable friend from Massachusetts [Mr. Sumner], who knows well how highly I esteem him, and whom I sincerely honor for his solicitude concerning the welfare of the lowly, that my desire to see their wrongs righted is no less sincere and no less unhampered by any traditional prejudice than his; although I will confess that, as to the constitutional means to that end, we may sometimes seriously differ; but I cannot refrain from expressing my regret that this measure should be loaded with anything that is not strictly germane to it, knowing as we both do, that the amendment he has proposed cannot secure the necessary two-thirds vote in at least one of the Houses of Congress, and that, therefore, it will be calculated to involve this measure also in the danger of common failure. I repeat, it is not merely for the Rebels I plead; it is for the whole American people, for there is not a citizen in the land whose true interests, rightly understood, are not largely concerned in every measure affecting the peace and welfare of any State of this Union.

Believe me, Senators, the statesmanship which this period of our history demands, is not exhausted by high-sounding declamation about the greatness of the crime of rebellion, and fearful predictions as to what is going to happen unless the Rebels are punished with sufficient severity. We have heard so much of this from some gentlemen, and so little else, that the inquiry naturally suggests itself, whether this is the whole compass, the be-all and the end-all of their political wisdom, and their political virtue; whether it is really their opinion that the people



of the South may be plundered with impunity by rascals in power, that the substance of those States may be wasted, that their credit may be ruined, that their prosperity may be blighted, that their future may be blasted, that the poison of bad feeling may still be kept working, when we might do something to assuage its effects; that the people may lose more and more faith in the efficiency of self-government and of Republican institutions; that all this may happen, and we look on complacently, if we can only continue to keep a thorn in the side of our late enemies, and to demonstrate again and again, as the Senator from Indiana has it, our disapprobation of the crime of rebellion?

Sir, such appeals as these, which we have heard so frequently, may be well apt to tickle the ear of an unthinking multitude. But, unless I am grievously in error, the people of the United States are a multitude not unthinking. The American people are fast becoming aware that, great as the crime of rebellion is, there are other villainies beside it; that, much as it may deserve punishment, there are other evils flagrant enough to demand energetic correction; that the remedy for such evils does after all, not consist in the maintenance of political disabilities, and that it would be well to look behind those vociferous demonstrations of exclusive and austere patriotism to see what abuses and faults of policy they are to cover, and what rotten sores they are to disguise. The American people are fast beginning to perceive that good and honest government in the South, as well as throughout the whole country, restoring a measurable degree of confidence and contentment, will do infinitely more to revive true loyalty and a healthy national spirit, than keeping alive the resentments of the past by a useless degradation of certain classes of persons; and that we shall fail to do our duty, unless we use every means to contribute our share to that end. And those, I apprehend, expose themselves to grievous disappointment who still think

that, by dinning again and again in the ears of the people the old battle-cries of the civil war, they can befog the popular mind as to the true requirements of the times, and overawe and terrorize the public sentiment of the country.

Sir, I am coming to a close. One word more. We have heard protests here against amnesty as a measure intended to make us forget the past, and to obscure and confuse our moral appreciation of the great events of our history. No, sir; neither would I have the past forgotten, with its great experience and teachings. Let the memory of the grand uprising for the integrity of the Republic; let those heroic deeds and sacrifices before which the power of slavery crumbled into dust, be forever held in proud and sacred remembrance by the American people. Let it never be forgotten, as I am sure it never can be forgotten, that the American Union, supported by her faithful children, can never be undermined by any conspiracy ever so daring, nor overthrown by any array of enemies, ever so formidable. Let the great achievements of our struggle for national existence be forever a source of lofty inspiration to our children and children's children.

But surely, sir, I think no generous resolution on our part will mar the luster of those memories, nor will it obliterate from the Southern mind the overwhelming experience that he who raises his hand against the majesty of this Republic is doomed to disastrous humiliation and ruin. I would not have it forgotten; and, indeed, that experience is so indelibly written upon the Southern country, that nothing can wipe it out.

But, sir, as the people of the North and of the South must live together as one people, and as they must be bound together by the bonds of a common national feeling, I ask you, will it not be well for us so to act that the history of our great civil conflict, which cannot be forgotten, can neither be remembered by Southern men without finding in its closing chapter this irre-

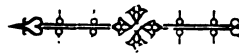
sistible assurance: That we, their conquerors, meant to be, and were after all, not their enemies, but their friends? When the Southern people con over the distressing catalogue of the misfortunes they have brought upon themselves, will it not be well, will it not be "devoutly to be wished" for our common future, if, at the end of that catalogue, they find an act which will force every fair-minded man in the South to say of the Northern people, "When we were at war they inflicted upon us the severities of war; but when the contest had closed, and they found us prostrate before them, grievously suffering, surrounded by the most perplexing difficulties, and on the brink of new disasters, they promptly swept all the resentments of the past out of their way, and stretched out their hands to us with the very fullest measure of generosity, anxious, eager to lift us up from our prostration"?

Sir, will not this do something to dispel those mists of error and prejudice which are still clouding the Southern mind? I ask again, will it not be well to add to the sad memories of the past which forever will live in their minds, this cheering experience, so apt to prepare them for the harmony of a better and common future?

No, sir, I would not have the past forgotten, but I would have its history completed and crowned by an act most worthy of a great, noble,

and wise people. By all the means which we have in our hands, I would make even those who have sinned against this Republic see in its flag, not the symbol of their lasting degradation, but of rights equal to all; I would make them feel in their hearts that, in its good and evil fortunes their rights and interests are bound up just as ours are, and that, therefore, its peace, its welfare, its honor, and its greatness, may and ought to be as dear to them as they are to us.

I do not, indeed, indulge in the delusion that this act alone will remedy all the evils which we now deplore. No, it will not; but it will be a powerful appeal to the very best instincts and impulses of human nature; it will, like a warm ray of sunshine in springtime, quicken and call to light the germs of good intention wherever they exist; it will give new courage, confidence, and inspiration to the well-disposed; it will weaken the power of the mischievous, by stripping off their pretexts and exposing in their nakedness the wicked designs they still may cherish; it will light anew the beneficial glow of fraternal feeling and of national spirit; for, sir, your good sense as well as your heart must tell you that, when this is truly a people of citizens, equal in their political rights, it will then be easier to make it also a people of brothers.



## WILLIAM WINDOM.

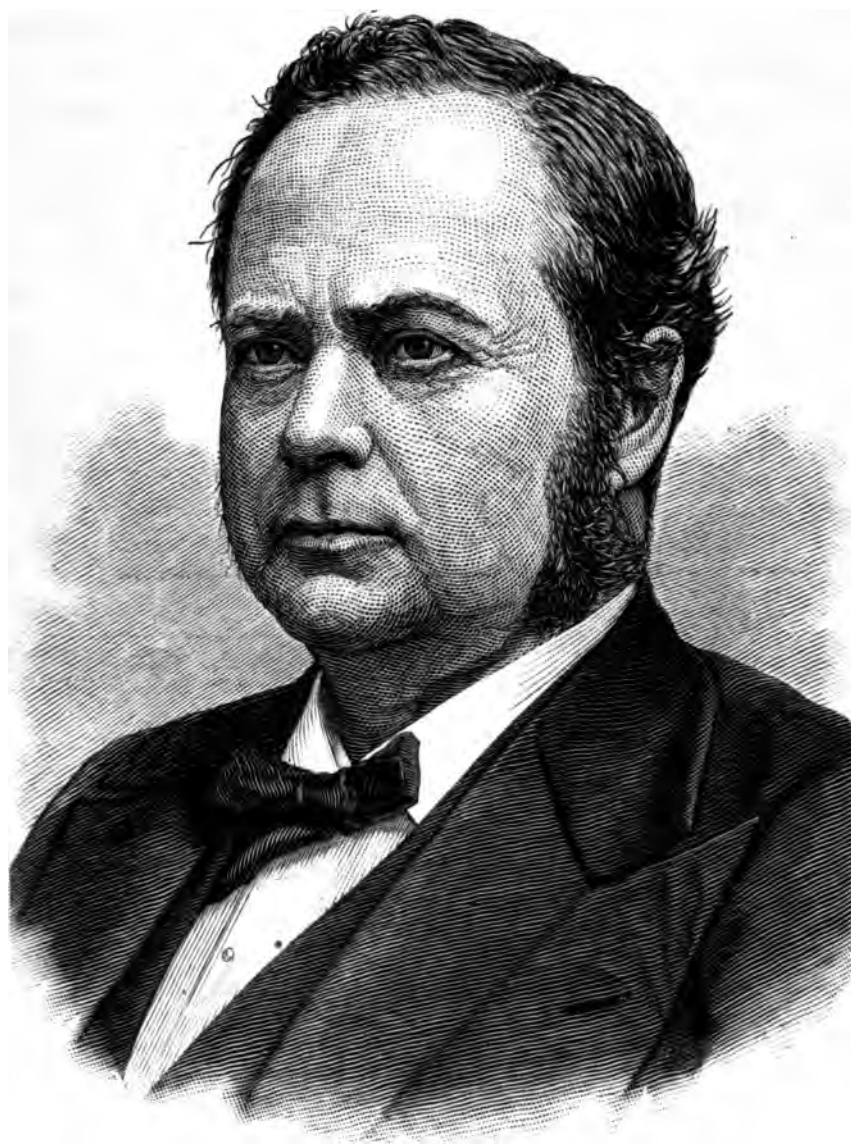
**W**ILLIAM WINDOM was born in Belmont county, Ohio, on the 10th of May, 1827. He received a good academic education; entered upon the study of law at Mount Vernon, Ohio, was admitted to the bar, and practiced his profession for a number of years in that state. In 1852 he was elected Prosecuting Attorney for Knox county, and performed the duties of his office with marked ability. In 1855 he turned his face to the great West, and selected a home in the town of Winona, a leading point in the growing Territory of Minnesota. When the Territory became a State, in 1857, Mr. Windom was elected her first Representative in the lower house of Congress, where he took his seat in 1858. So well have the people of his district and State been satisfied with his services that he has been continually in the House or the Senate until 1881. He remained a member of the House of Representatives until 1870, when the Governor appointed him to fill the vacancy in the United States Senate, occasioned by the death of Hon. Daniel S. Norton. He

took his seat in the Senate on the 4th of March, 1871. He was elected to the full term in 1871, and was re-elected in 1877. He resigned his seat in the Senate in 1881, to accept the post of Secretary of the Treasury in President Garfield's cabinet.

His service in the national legislature has already covered a period of about twenty-one years. His career has embraced the few years preceding the war of the Rebellion, and the trying times of that ordeal, together with the period of reorganization and recuperation which has followed.

He has been a thorough student of the great problems which have been working out during the last quarter of a century, and has grasped the great underlying principles of those problems and their future influence on the affairs of the country. He has given particular attention to the problem of transportation to the seaboard, and understands its importance and difficulties as well as any of the public men of to-day.

During his services as Secretary of the Treasury, he proved himself a worthy



WILLIAM WINDOM.

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cessor to so able a financier as Mr. Sherman. He retired from this position in the Cabinet early in 1882, and was returned to his place in the Senate. Mr. Windom has a national reputation for ability and integrity in office that is surpassed by none. During the heated discussion that preceded the Republican National Convention of 1880, his name was proposed in his State's papers for the nomination to the Presidency, and was

received with favorable mention in the East as well as the West. His friends claim for him a brilliant and prosperous future.

Mr. Windom was a prominent candidate for re-election before the Minnesota Legislature in 1883; but on February 14, of that year, by a combination of Democrats and anti-Windom Republicans, he was defeated by Dwight M. Sabin, of Stillwater.



### AGRICULTURAL COLLEGES.

*Mr. Windom's Speech, delivered in the United States Senate, Feb. 24. 1873.*

MR. PRESIDENT: I move to refer this bill to the committee on public lands, with instructions to inquire into the expediency of appropriating the proceeds of the sales of public lands to the equalization of soldiers' bounties, and report by bill or otherwise.

Mr. President, I regret exceedingly to have to differ with my honorable friend from Vermont, on this question, and especially in these crowded moments of the last days of the session to have to interpose before the vote is taken with any remarks on the subject; but the character of the bill, which I have studied somewhat, is so remarkable and unprecedented that I feel I should not be doing myself or my constituents justice to remain silent. I shall be very brief, however, not desiring to occupy any more time than is absolutely necessary to explain the objectionable features of the measure.

I have moved, Mr. President, to refer to the committee on public lands, with a view of re-

porting a bill for the equalization of soldiers' bounties, for two reasons. In the first place, Congress has been flooded for several years with petitions from all parts of the country, from soldiers who are justly entitled to a certain amount of money to equalize them with other soldiers who received bounties during the war. I think that no Senator can dispute that this demand is founded on a strong equity. The only reason Congress has not granted it heretofore has been that we have not felt that the Treasury was in condition to justify the appropriation. But, sir, from the action of the Senate and the House of Representatives on this bill, I have become satisfied that the Treasury is plethoric with money, that there is a large surplus fund somewhere that must be devoted to some purpose or other; and hence I think we should devote it to this most equitable of all purposes before voting it to any other.

And I have moved to refer the bill to the committee on public lands for another reason.

This bill proposes to dispose of, forever, one-half of the public lands of this country.

I have taken some trouble since this bill was reported to ascertain what have been the proceeds of the sales of public lands. I have divided our history into three periods. From 1868 to 1872 the aggregate proceeds were \$13,683,900, making for those five years an average of \$2,732,780 per annum. I have then taken the average for the last twenty years, from 1852 to 1872. The aggregate for those twenty years is \$59,146,201, making an average of \$2,957,310. I have then taken the average of the entire history of the government since the sales of public lands began. The aggregate sales of public lands have been \$194,289,186 in eighty years, making an average of \$2,428,614 per annum. Thus the Senate will see that, taking the last five years of the last twenty years, of the entire history of the government, the proceeds average about \$2,600,000 per annum.

Now, what does this bill propose to do? Upon the estimate which I have made, which is much below the statement made by the Senator from Ohio, it proposes to give to each of the thirty-eight colleges—and when the Territories are added, you will have forty-seven—one-half of the proceeds of the public lands forever, or sufficient at least to amount to \$2,000,000 to each college; for you provide that one-fourth the proceeds of the public lands shall continue to be invested in five per cent. United States bonds until their income from said five per cent. bonds of the government equals \$50,000 a year. At the same time you provide that one-fourth of such proceeds shall be paid over in cash to be used for current expenses. It, therefore, amounts to \$2,000,000 for each college, one million in the bonds of the government, and one million in cash, making ninety-four millions in all. In the presence of this enormous sum, may I not ask the Senate to pause and consider?

The question squarely presented to the Senate to-day is: Is our treasury so plethoric, have we

such a superabundance of money that we can afford to pledge this government to pay \$94,000,000 for this purpose? I think not. If money is so plenty, and we must do something with it, let us answer the appeals of those men who saved the nation in its hour of trial; men to whom justice has been to this day denied. Let us be just before we are generous.

Mr. President, I am not willing to allow myself to be carried away by the eloquence of the Senator from New Jersey, and to forget what is really the issue before the Senate; nor can I yield to the appeals of the Senator from Vermont, earnest and effective as they have been. The Senator from Vermont tells us that it would be exceedingly gratifying to him if he could have a unanimous vote on this proposition. I think no Senator will go further than myself in any proper way to gratify the Senator from Vermont; but, when he asks me to vote away \$94,000,000 of the public money, to add five per cent. to the indebtedness of my country in order to gratify him, I most respectfully decline.

What is this bill? Stripped of all verbiage, and of the eloquent surroundings of its advocates, it is a proposition to give to each agricultural college of the country \$2,000,000, nothing more, nothing less. What have we already done for these colleges? Under the leadership of the honorable Senator from Vermont, in the year 1862 Congress appropriated thirty thousand acres of the public land for each Senator, Representative, and delegate in Congress to these colleges. This amounted to some \$9,600,000. Estimated at the valuation which my honorable friend from Vermont puts upon the land grants to my own State, \$2.50 per acre (and he certainly will not estimate this any lower than he does the land grants made to Minnesota), this grant amounts to \$648,000 to each and every one of these colleges. I say, placing the estimate upon it which the Senator placed on other lands granted, it amounts to \$24,000,000 already given to them. But, admitting that that is not a fair

estimate, that, as they are not within the railroad limits, those lands are worth but \$1.25 per acre, then we have already by existing laws, conferred the largest of this government upon these institutions to the extent of \$324,000 each on an average. And now what is proposed? To give them each \$2,000,000 more in money, to add to the public indebtedness of this country five per cent. on its present obligations?

The Senator from New York estimates that this is a grant of \$38,000,000. If the Senator will give the bill careful consideration, I am satisfied he will say with me that his estimate is too low. He understood me in making my calculations to allude to interest. I did not include interest in my calculations at all. Taking the average of the sales of the public lands during the history of the government, or during the last five years (it amounts to about the same thing), and it is \$2,600,000 per annum. We propose by this bill to set aside one-fourth of all the proceeds of the public lands hereafter, to be invested in five per cent. bonds of the government, the interest to be paid over to these institutions, and we provide no limitation whatever upon this grant, except that no college shall receive more than \$50,000 per annum. In addition to this, the bill gives to each of these institutions one-fourth of the proceeds each and every year in cash. Mr. President, that amounts to about \$720,000 per annum in cash.

In addition to the amount invested in bonds, one-fourth is to be paid over in cash, and to this point I want the attention of the Senate. This fourth, amounting to \$700,000 a year, is not to be paid as an endowment fund to these institutions, but it is to be handed over to the trustees and boards of colleges, of whom we know nothing, for their current expenses.

Now look this question squarely in the face, and I appeal to my honorable friend from Vermont himself to look at it, a gentleman than whom there is not a member of this Senate usually more careful of the expenditures of the

public money, a gentleman in whose judgment I have the utmost confidence; but, I must say of him, that he has in this thing, I think, demonstrated the old saying that every man has his hour of weakness; and on this subject of agricultural colleges we have found his weak point. Look this thing, then, squarely in the face. What is it that you propose to pay out of the public Treasury? Some \$700,000 a year to be expended in the current maintenance of these institutions. To whom are you to pay it, Mr. President? The bill provides that it shall be paid over to trustees and boards of colleges. Who are those trustees; who are those boards of colleges? They may now be composed of very respectable gentlemen, for aught I know, but this is a permanent appropriation; the faith of this government is to be pledged for all time, or at least till their income amounts to \$50,000 a year, to give this quarter of the entire proceeds of the public lands in cash. Do you know, Mr. President, who will constitute the trustees and managers of these institutions ten or twenty, or thirty years hence? May not men seek those places for the very purpose of misappropriating these public moneys! It is well when Congress proposes to appropriate money out of the Treasury, to know who is to expend that money, who is to control it. But, by the time the bonds amount to one million, so as to yield an income of \$50,000 a year, the cash proceeds will also amount to the same sum, or \$1,000,000 more to each college, and hence we are to hand over \$1,000,000 in cash to each one of these institutions, to be managed by men who shall be appointed fifteen, twenty, thirty, or fifty years hence, of whom you know nothing.

I ask the Senate to pause and consider this question before thus squandering the public money, and placing it under the control of men who may be dishonest or irresponsible. I have not overstated the amount. Any Senator who will look at it, will see that I am right in the estimate, that it will amount in the end, to



\$94,000,000, because, I suppose, as a matter of course, that we shall do justice to the Territories when they become States. It is hardly to be imagined that we shall grant this large amount of money in the existing States, and when the Territories shall hereafter become States, refuse to grant the same to them. Adding, then, the nine Territories to the present number of States, and with the District of Columbia included, you will have forty-seven of these colleges, which are to have \$2,000,000 each.

Mr. President, I do think this is the most remarkable proposition I have ever seen urged before Congress, in the manner in which this is urged to-day. An attempt is made to override everything, to override the appropriation bills, when we are within only seven days of the close of the session, and four of the principal appropriation bills are yet undisposed of; and when the Senator from Indiana brings in a question of the highest privilege, and asks the Senate to act upon it, such is the power of these institutions over the Senate, that they lay aside the privileged question, and, seeing the approaching end of the session, within seven days of its termination, with all this unfinished business, we lay aside every question that interferes with it, and in hot haste, propose to appropriate \$94,000,000 of the public money, for the purpose of sustaining institutions about the management of which we know nothing whatever.

And what is the proposition now before the Senate? Simply to refer this question to a committee for further examination. That is all. We are told by the honorable Senator from Vermont, and by my honorable friend from Texas, that this question has already been fully and carefully considered. By whom has it been fully and carefully considered? The bill itself was not printed until the 18th day of February, and I believe this is the 24th. Six days ago, this bill was laid upon our tables—an entirely different bill from the one on which the Senate

acted. Men of prominence in the country, who have studied this question, come in here and tell us that they are taken by surprise. The honorable Senator from Vermont expressed his astonishment, that men should be taken by surprise, when the bill has been a year or more before the Senate. This bill has been but six days before the Senate, and it has not been considered by any committee of this body.

I appeal to you, Mr. President, if you have ever known in your congressional experience, of a bill appropriating ninety odd million dollars being rushed through the Senate of the United States, without reference to a committee, without any consideration, forced through, as it is sought to force this bill through, without giving time for anybody, either inside or outside of Congress, to consider it? Let us pause, I say, before we are guilty of this rash squandering of the public money.

I moved to refer this bill to the Committee on Public Lands with instructions. I would have preferred that the instructions should be sent to the committee. There seems to be a determination on the part of the Senate to give away some ninety odd millions of the public money, and yielding to the better judgment of the Senate on that subject, I cannot but conclude that there is a surplus of money on hand somewhere. If that be true, we can no longer stand up against the appeals made to us by the defenders of their country who ask the equalization of their bounties. I believe that if this money is to be given away at all, it should be appropriated for that purpose. Let us give it to the men who have fought for, and saved the nation, rather than squander it on these institutions, which have already received over \$300,000 in gifts from the Government.

But I know some of our friends here have been very anxious for the passage of the soldiers' bounty land bill. Without expressing any opinion upon that bill, one way or the other, I want to say that every vote given for this meas-

ure, is a vote given against that bill, for it will be utterly impossible ever to pass any soldiers' bounty land bill, if this is passed, for the lobby, the influences which have secured thus far the strength that has been given to this measure, will come back here, and demand additional legislation in their behalf. In speaking of it as a lobby, I do not mean any disrespect whatever. I do not imagine that any improper influence has been exercised in this matter. I am satisfied there has not been. The men who have been here advocating this measure, are among the best men of the nation. They are the presidents of these colleges. I have myself been urged over and over again, to give it my support, by these gentlemen. I have the highest respect for them, when I see they are able to override the public business, and override privileged questions, and lay aside everything else, in order to give away ninety odd millions of public money. I say, these men are entitled to the

highest respect. If I could be assured they would continue to manage these institutions in the future, I should think the money would probably be safe.

My friend from Vermont says, this does not interfere in any way with the homestead measure. Perhaps not, so far as this bill is concerned; but the very same influences which have been able to accomplish the result to which I have referred, will come back under the lead of my honorable friend from Vermont, or some other Senator, and hereafter ask that the pre-emption and homestead laws shall be set aside, in order that these \$2,000,000 given to them shall be the sooner realized.

Mr. President, I do not desire to occupy the time of the Senate further. I do ask the Senate to consider well this proposition, before voting away nearly \$100,000,000 without consideration, and without even a reference to a committee of this body.



## ULYSSES S. GRANT.

**U**LYSSES S. GRANT was born at Point Pleasant, Clermont county, Ohio, April 27, 1822. His father was of Scotch descent, and was engaged in business as a leather dealer. In 1823 his parents removed to Georgetown, Ohio, where was passed the boyhood and youth of the man whose fame was to reach all civilized lands. Even in his early youth he showed himself possessed of those qualities that have so distinguished him as a man.

In 1839 he received an appointment as Cadet in West Point Military Academy, and in 1843 graduated twenty-first in a class of thirty-nine. He was appointed Second Lieutenant by brevet, and attached to the Fourth Infantry, then on duty on the outposts of the Missouri border. Two years later his regiment was assigned to the command of General Taylor on the Texas frontier. In September he was commissioned Second Lieutenant, and remained with Taylor's army, participating in that department in all of the engagements with the Mexicans, until, with his regiment, he was as-

signed to General Scott's command before Vera Cruz. He was engaged in all the battles from Vera Cruz to the capture of Mexico City. He distinguished himself for gallantry on the field, and received the special mention of his superiors in their report, and the more substantial honors of Brevet First Lieutenant at Molino del Rey, and Brevet Captain at Chapultepec.

After the war, he was stationed at various places until 1852, in which year his regiment was ordered to the far West. He spent from 1852 to 1854 in California and Oregon. He was commissioned Captain on the 5th of August, 1853, and resigned in July, 1854. He spent several years in farming near St. Louis, but without making it a success. In 1859 he removed to Galena, Illinois, and went into business with his father, who was following his old calling of a leather merchant.

On the 15th of April, 1861, the President of the United States called for volunteers to put down the Rebellion, and on the 19th Grant was drilling his company in the streets of Galena. A few



ULYSSES S. GRANT.

ENGRAVED FOR GRAYSON AND GRAYSON, FAIRBANKS, PALMER & CO. PUBLISHERS.

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days later he was doing service on Governor Yates' staff, in organizing the raw recruits for the business of war, and within five weeks he was commissioned Colonel of the Twenty-first Illinois Regiment, dating from June 17, 1861. He was assigned to the command of General Pope, and served for a short time in Missouri. He was commissioned Brigadier-General in August, and September 1st he was appointed to command at Cairo. He immediately went to work, taking possession of Paducah, on the Kentucky side, and at the mouth of the Tennessee River; a movement of much importance, and most timely. On the 7th of November he commanded at the battle of Belmont, where he was successful in breaking up the enemy's camp, and preventing the forwarding of reinforcements into Missouri. Early in 1862 he commanded in the expedition up the Tennessee and Cumberland rivers, which resulted in the capture of Forts Henry and Donaldson. He was then commissioned Major-General of Volunteers, and in March moved up the Tennessee River to Pittsburgh Landing, where, on the 6th and 7th of April, was fought the memorable battle of Shiloh.

General Halleck being called to Washington and made Commander-in-Chief, Grant succeeded to the command of the Department of the Tennessee in July, with headquarters at Corinth. He directed in the various movements in that vicinity, and arranged plans for an attack

on Vicksburg. On November 2d he began an advance into Mississippi, threatening that stronghold in the rear, while Gen. Sherman was dispatched to attack by way of the Mississippi River. Colonel Murphy failing to defend Grant's base of supplies at Holly Springs, his advance had to be abandoned, and the movement under Sherman failed about the same time.

In January, 1863, Grant's command was enlarged, and he turned his energies to the opening of the Mississippi. Gathering his forces, he advanced on Vicksburg, and spent several months, in the early part of 1863, in vain attempts to attain its capture; finally, in April, he moved his whole army through the swamps on the west side of the river to a point some thirty miles below the city, when the gunboats and transports ran the batteries, and, on April 30, assisted in crossing his army to the eastern side. Between that and May 18th he defeated the Confederates in six determinedly-fought battles, and forced them behind his defense.

After two unsuccessful assaults on the 19th and 22d of May, General Grant, on the 23d, settled down to a regular siege, which terminated on the 4th of July in the surrender of the stronghold and army. He was soon after commissioned Major-General in the regular army, and, in addition to the Army of the Tennessee, he was appointed to the command of the Departments of the Ohio and the

Cumberland. He immediately repaired to the new scene of action near Chattanooga, where he arrived on the 23d of October, and directed in the battle of Lookout Mountain and the battle of Chattanooga, which forced the rebels, under General Bragg, to retire to Dalton.

In February, 1864, the rank of Lieutenant-General was created, and Grant was appointed to fill it, and on March 17th he was appointed to the command of the whole army. He at once established his headquarters in the field, with the Army of Virginia, and prepared for a final struggle with the ablest commander in the Confederate service. He martialed his army on the north bank of the Rapidan, and on the 4th of May crossed that stream, and began the bloody campaign from the Wilderness to Richmond. Following the Battle of the Wilderness was Spottsylvania, and following that were North Ann and Cold Harbor, after each of which Grant pressed forward by the flank, and Lee retreated.

In all previous advances on Richmond the national armies retired from the attempt, but General Lee now found a commander who knew no disaster, but with steady, irresistible force pushed him backward, nearer and nearer to the valuable prize he had been guarding so courageously for years. After the sanguinary struggle at Cold Harbor, General Grant threw his army across the James River, and, with Butler's forces, advanced on Richmond by the way of

Petersburg. After months of stubborn resistance that stronghold fell, and with it fell the last hope of the Confederacy. The capital was occupied on the next day, and on the 9th of April, 1865, Lee surrendered to Grant at Appomattox. Grant immediately returned to Washington, where he established his headquarters, and arranged for the disbanding of the vast army under his command.

He has been a very prominent character in the years that have succeeded. The tragic death of Lincoln, and the subsequent course of President Johnson, caused all eyes to turn with increasing confidence to the quiet man who had been so invincible in the field. Although he had been appointed Secretary of War, *ad interim*, on the removal of Secretary Stanton, yet so unimpeachable was his conduct that he was not in any way implicated in the President's contest with the dominant party in Congress.

On the 21st of May, 1868, the National Republican Convention met, and placed General Grant in nomination for the Presidency. He was triumphantly elected, and on the expiration of his first term he was accorded a renomination, and a second term. He found the difficulties surrounding the Presidential office as trying as were those of the General of the army. Patiently and perseveringly he set himself to work. The nation was loaded with a war debt, which was

largely reduced during his administration. The difficulties in reconstructing the governments of the Southern States were generally settled. The threatening complications between the government and Great Britain were peaceably adjusted through the medium of the Joint High Commission and the Geneva Arbitration Committee.

The closing year of his administration was marked by the Centennial Exposition, held at Philadelphia, at which the wares of every civilized people in the world were exhibited, and the riches and productions of this country were spread before the eyes of the visiting multitudes.

After the close of the Presidential term, General Grant prepared to spend a few years in travel. He sailed from

Philadelphia on the 17th of May, 1877, and landed at San Francisco on his return trip on the 20th of September, 1879. He visited all the principal cities and countries of Europe, and the most famous countries of Asia, and was received by the monarchs as one worthy of their esteem and hospitality. He was shown every mark of honor, and received them as not bestowed upon him as an individual, but shown to his nation and his government. In 1880 a goodly portion of the people desired to have him for their President another term, but the feeling against the third term was so strong that their desire was not gratified. Since then, General Grant has lived in retirement, the most honored citizen of his country, enjoying its prosperity, and rejoicing in its peace.



## INAUGURAL ADDRESS.

*Delivered by Mr. Grant, March 4, 1873.*

FELLOW-CITIZENS: Under Providence I have been called a second time to act as Executive over this great nation. It has been my endeavor in the past to maintain all the laws, and, so far as lay in my power, to act for the best interests of the whole people. My best efforts will be given in the same direction in the future, aided, I trust, by my four years' experience in the office.

When my first term of the office of Chief Executive began, the country had not recovered from the effects of a great internal revolution,

and three of the former States of the Union had not been restored to their Federal relations.

It seemed to me wise that no new questions should be raised so long as that condition of affairs existed. Therefore, the past four years, so far as I could control events, have been consumed in the effort to restore harmony, public credit, commerce, and all the arts of peace and progress. It is my firm conviction that the civilized world is tending toward republicanism, or government by the people, through their chosen representatives, and that our own great Repub-



lic is destined to be the guiding star to all others.

Under our Republic we support an army less than that of any European power of any standing, and a navy less than that of either of at least five of them. There could be no extension of territory on the continent, which would call for an increase of this force, but rather might such extension enable us to diminish it.

The theory of government changes with years of progress. Now that the telegraph is made available for communicating thought, together with rapid transit by steam, all parts of a continent are made contiguous for all purposes of government, and communication between the extreme limits of the country made easier than it was throughout the old thirteen States, at the beginning of our national existence.

The effects of the late civil strife have been to free the slave, and make him a citizen. Yet he is not possessed of the civil rights which citizenship should carry with it. This is wrong, and should be corrected. To this correction I stand committed, so far as executive influence can avail.

Social equality is not a subject to be legislated upon, nor shall I ask that anything be done to advance the social status of the colored man, except to give him a fair chance to develop what good there is in him, give him access to the schools, and when he travels, let him feel assured that his conduct will regulate the treatment and fare he will receive.

The States lately at war with the general government are now happily rehabilitated, and no Executive control is exercised in any one of them that would not be exercised in any other State under like circumstances.

In the first year of the past administration the proposition came up for the admission of Santo Domingo as a Territory of the Union. It was not a question of my seeking, but was a proposition from the people of Santo Domingo, and which I entertained. I believe now, as I did

then, that it was for the best interest of this country, for the people of Santo Domingo, and all concerned, that the proposition should be received favorably. It was, however, rejected, constitutionally, and, therefore, the subject was never brought up again by me.

In future, while I hold my present office, the subject of acquisition of territory must have the support of the people before I will recommend any proposition looking to such acquisition. I say here, however, that I do not share in the apprehension, held by many, as to the danger of governments becoming weakened and destroyed by reason of their extension of territory. Commerce, education, and rapid transit of thought and matter by telegraph and steam, have changed all this. Rather do I believe that our Great Maker is preparing the world in his own good time, to become one nation, speaking one language, and when armies and navies will no longer be required.

My efforts in the future will be directed to the restoration of good feeling between the different sections of our common country; to the restoration of our currency to a fixed value as compared with the world's standard of values—gold—and, if possible, to a par with it; to the construction of cheap routes of transit throughout the land, to the end that the products of all may find a market, and leave a living remuneration to the producer; to the maintenance of friendly relations with all our neighbors, and with distant nations; to the re-establishment of our commerce, and share in the carrying trade upon the ocean; to the encouragement of such manufacturing industries as can be economically pursued in this country, to the end that the exports of home products and industries may pay for our imports; the only sure method of returning to, and permanently maintaining, a specie basis; to the elevation of labor; and by a humane course to bring the aborigines of the country under the benign influence of education and civilization. It is either this, or war of ex-

termination. Wars of extermination, engaged in by people pursuing commerce, and all industrial pursuits, are expensive even against the weakest people, and are demoralizing and wicked. Our superiority of strength and advantages of civilization should make us lenient toward the Indian. The wrong inflicted upon him should be taken into account, and the balance placed to his credit. The moral view of the question should be considered, and the question asked: Cannot the Indian be made a useful and productive member of society, by proper teaching and treatment? If the effort is made in good faith, we will stand better before the civilized nations of the earth, and in our own consciences, for having made it.

All these things are not to be accomplished by one individual, but they will receive my support, and such recommendations to Congress as will, in my judgment, best serve to carry them into effect. I beg your support and hearty encouragement.

It has been, and is, my earnest desire to correct abuses that have grown up in the civil service of the country. To secure this reformation, rules regulating methods of appointment and promotion were established, and have been tried. My efforts for such reformation shall be continued to the best of my judgment. The spirit of the rules adopted will be maintained.

I acknowledge before this assembly, repre-

senting as it does every section of our country, the obligation I am under to my countrymen for the great honor they have conferred on me, by returning me to the highest office within their gift, and the further obligation resting on me to tender to them the best services within my power. This I promise, looking forward with the greatest anxiety to the day when I shall be released from responsibilities that at times are almost overwhelming, and from which I have scarcely had a respite since the eventful firing upon Fort Sumter, in April, 1861, to the present day. My services were then tendered and accepted under the first call for troops growing out of that event.

I did not ask for place or position, and was entirely without influence, or the acquaintance of persons of influence, but was resolved to perform my part in a struggle threatening the very existence of the nation. I performed a conscientious duty, without asking promotion or command, and without a revengeful feeling toward any section or individual.

Notwithstanding this, throughout the war, and from my candidacy for my present office in 1868, to the close of the last presidential campaign, I have been the subject of abuse and slander scarcely ever equaled in political history, which to-day I feel I can afford to disregard in view of your verdict, which I gratefully accept as my vindication.



## DAVID SWING.

**D**AVID SWING, of Chicago, was born at Cincinnati, Ohio, August 23, 1830. When about two years of age he was left an orphan by the death of his father.

Some five years afterward his mother married again, and the family settled in the country—near Williamsburg, Ohio. Young Swing had an eager thirst for knowledge, and at the age of eighteen became a student in Miami University, at Oxford, Ohio, from which institution he graduated in 1852.

He chose the ministry for a profession, and went to Cincinnati to study theology. After completing his course there he returned to Miami University, and gave the most of his time to teaching Latin and Greek in that institution, of which he was principal of the grammar school. He continued in this business, preaching occasionally, for some twelve years.

In 1866 he was called to the pastorate of the Westminster Presbyterian Church, a New School organization, in Chicago, Illinois, where he still resides. After the union of the Old and New School

branches of the Presbyterian body, Mr. Swing remained pastor of the church, which was then known as the Fourth Church.

In the course of a few years it began to be noised abroad that he was not in accord with the Presbyterian Church—in doctrine—and in May, 1874, charges of unsoundness in theology were preferred against him before the Presbytery by Professor F. S. Patton. The charges contained thirty-two specifications. After a long trial the charges were not sustained by the Presbytery, and an appeal was taken to the Synod, the next higher court, when the decision of the lower court was reversed.

Mr. Swing withdrew from the church, and began preaching as an independent minister, not having membership in any denomination. His meetings were held for a time in McVicker's Theatre, where the congregation now called Central Church began to gather about him. When the new Central Music Hall was completed, services were removed from the theatre to the new hall, where they have since been continued.



DAVID SWING.

ENGRAVED FOR HATFIELD AND GRANT, BY GRANT, PALMER & CO., PUBLISHERS.



Mr. Swing is a fine writer of what some have termed poetic prose. For several years he has been prominently connected with the editorial department of

"The Alliance," published in Chicago, and he is also the author of several volumes of earnest and vital sermons, and has given to the public other books.



### THE VALUE OF YESTERDAY.

*Mr. Swing's Sermon, delivered June 1, 1873.*

("For ask now of the days that are past,"—Deut. iv: 32.)

Time is one of the incomprehensible things. If we gaze up into the blue sky, and thus shut out all lowly objects, and then repeat the word time to our soul, we will find ourselves absorbed in a deep mystery. Each breath we take lies partly in the past, partly in the present, partly in the future. One of the most beautiful sentences uttered over the name of Jesus Christ is that one of Paul—"Christ, the same yesterday, to-day, and forever."

Time divides itself into three continents—yesterday, to-day, and to-morrow, each grand, and each peculiar—and each measureless.

The divinity that presides over to-morrow is called Hope; the present has no guardian by name; and the divinity of yesterday is called Memory. There is no eloquence, no poetry, no process of reasoning that can do justice to the beauty and influence of any one of these periods. Looking backward and forward the heart becomes overwhelmed with the weight and mystery of the theme.

The study of the distances in the heavens in which we find that there are suns whose light could not have reached our world in less than a million years, is scarcely less bewildering than this contemplation of the yesterday and the to-morrow. Led by its own impulse, the human heart has always prized the morrow

more than the present, or the yesterday, and hence has written the most of its poetry in the name of Hope. Hope has always been the popular goddess of earth's children. When all other shrines are vacant, this one receives its daily offerings of flowers. Where the seven classic philosophers were holding a banquet together, it was asked of them: "What is the most universal possession?" The reply agreed upon as most accurate was the word "Hope," for he that has nothing else has Hope.

But, this extreme popularity and the worship of futurity constitutes a reason why the mind should guard against a total oblivion of all else, and forms an excuse for reading before you, this morning, the words of the text: "Ask now of the days that are past." For the hour let us oppose the orators, and the poets, and the youth and beauty of the realm, and speak in behalf of yesterday. We shall not find the same loveliness of person that belongs to Hope, but what is wanting in bloom and smile, may find compensation in wisdom and pensiveness.

The days that are past are like a mother whose youth and powers of mind and affections have all failed in the life-long devotion to her children. The marks in her forehead, the whiteness of her face, the solemnity of her heart, are only proofs that her bloom and vivacity have journeyed over to her loved ones, and their life, their love,

their works, their language, their song, are a direct inheritance from the one who is soon to be recalled from their sight. Thus Yesterday, going back to the tomb of Solomon or Moses, or in that longer journey proposed by recent science is, whether we go back a thousand or a million years, the mother of us all, and the tomb, and ruins of all the nations are only marks upon the forehead of this great parent; they are the whiteness of that face which faded in behalf of new life, and new happiness. The lonely, silent pyramids, the brilliant ruins of the Acropolis, of Palmyra, of Thebes, the deeply entombed streets of old Jerusalem, all the ivy-covered minsters of Europe, Catholic, or Protestant, are fragments of that home where yesterday lived and taught the new generations playing about her feet. The greatness of man, as pictured in the future, may be a dream, so far as our life or our nation's life is concerned, but the past is a great fact of which nothing can rob us, and whose worth no fancy can over estimate. In order to behold the presence and kindness of God, it is not necessary to draw upon the powers of hope, any more than upon the powers of memory. It is a confessed truth, that by nature, we look for this most and highest good in the future, and, since God is the ideal of goodness, the soul beholds Him unveiling Himself in days that are to come. We say, "Our Father in Heaven," more in anticipation of what He will be than in confession of what He has been; for the sin and suffering of earth make it logically necessary for us to select the future as the arena of the Creator. But, having confessed this logical superiority of the future, the past yet remains a vast field of religious truth and sentiment.

Let it be granted that there is a personal God whom we define as the sum of all perfections, yet we could not prove that it was necessary that this God should have expressed all his attributes in the very first years of human life. If it was lawful for the human race to begin in

childhood that could neither speak nor walk, and if it was lawful for all science and art to begin with simple lessons, and slowly work forward, it would seem equally lawful that the Creator should not unfold all his glory to the first generation, but should strew it along for a ten thousand or million period. All the beauties of earth are progressive beauties, all the arts are progressive arts, all the sciences are progressive sciences—and hence, one might expect that the infinite love of God would be subject to a slow manifestation of itself. *A priori* reason would suppose, perhaps, that a God of love would be found proceeding as such from the outset in the history of a creature like man, and that man would never know a year or a moment of sin or pain, that barbarism and depravity would be impossible for a day or an hour. But, being driven by the facts away from the use of *a priori* logic we must fall back to the second best logic, and following the phenomena of science and art, and all human activity, must suppose that God selects not a day nor a year for his own full emblazonment, but a vast epoch such as is demanded by geology, or the study of the stars. With this confession in our minds we can "ask now the days that are past," and see in man's face and language and laws and arts the gradual unfolding of divine wisdom and love.

A child taken from our public schools at the age of twelve years, and examined in reading, in conversation, in knowledge, in music, will be found to possess a language that consumed six thousand years in its construction; it will be found to possess knowledge that has been wrought out by the toil and perhaps sorrow of a hundred generations. It will sing, perhaps, a song, "My Country 'tis of Thee," or "Home, Sweet Home," that is the upshot of thousands of years of sentiment and thought about liberty and home. What, then, is a bright, pure school child to-day, but a place where God's love and wisdom in days that are past have treasured up their tenderness as the earth treasures up the

dust that for millions of years has filtered down upon it out of the invisible ether in which the words all float?

But, pass from the school child to all the schoolchildren, and to all the adult minds and hearts that move upon the earth; listen to all their wisdom, and music, and industry, and eloquence, and do you not feel that this great multitude measures a great revelation of God above that day when earth possessed but one man or family, and that one without language, and without learning, and without virtue?

There are two theories about the origin of man. The one, that he was made in his present form by the Creator, by a simple instantaneous command, the other, that man is the result of a long development and mutation of species. Thus the only dreamed of theories give us only one human being in the outset, and that one a human being defective in language, in art, in learning, in hope, in memory. Defective in language, because there was nothing to be said; in art, for there was no one to admire the skill; in learning, because there was no language in which to express facts; in hope, because there was no realization of any imperfection or death; in memory, because there was nothing to be remembered.

In the first human being, therefore, God could no more display His perfections than a musician like Mozart could unfold his genius to an infant, or to a South Sea Islander. Could the divine virtue be perceived by a being that had not perceived sin? Could the divine immortality be appreciated by an individual who was a stranger to death? Could the divine omniscience be felt by a being that had not yet learned or developed the love of knowledge? By no means. Could the sun reveal its power and beauty if it had nothing but a clod to shine upon? Give it a planetary system, skies, stars, clouds, continents, seas, fruits, flowers, and it possesses then an area for its play of color and light.

In order that God should reveal Himself, a

race was necessary, not only moving in vast multitudes, but moving along vast periods of time; and hence, recalling the days that are past, the heart in the least religious may perceive a Creator scattering the attributes and truths of His own being.

You tell me God is sinless. Looking into the future we perceive only a dream, and turn away uncertain, but, looking into that vast realm called yesterday, and perceiving that sin has always brought sorrow, and that virtue has brought beauty of face, and life, and peace of heart, I come back from that survey, feeling that righteousness is a divine attribute. The sins of men are so inwoven with the sorrows of men that this very tumult and perpetual weeping are only an announcement of the benediction: "Blessed are the pure in heart, for they shall see God." But it is impossible to descend to particulars. We can only say that the immense past of humanity may be viewed as a field in which the arts and the industries, and the philosophies and religion, taking the form at last of Christianity, have gradually found opportunity for the revelation of their glorious natures.

But, turning aside from thoughts about God's own emblazonry, think of man himself and his immediate personal relation to the days that are past. As we said in the outset, great is the office of Hope. We have no word too good or extreme for that faculty, but we would enter a plea in behalf of the value of yesterday in its relations to mind and heart. Hope is a grand sentiment, but it conveys no information. All the information of the soul comes up from the days that are gone. Hence one of the best thinkers said, "Not to know history is to be always a child." The value of the ideas that enter into human life is chiefly to be learned by watching their evolution and workings in that great workshop called yesterday. Take the idea of liberty, and no dreamer who looks into the future can behold its length and breadth, but he



alone can measure the import of the term who hears the cry of the slave from the days of the Romans down to the career of our own land, and who sees the prosperity of freedom from Athens to Florence, and from Florence to England and America. Take the idea of home, and if you would feel the import of the word, look not forward into poetic haze, but back into human experience, in the tears of sadness and joy that have fallen by the feet of any exile going away or coming back; or look into your own childhood, and consult its memories, and then the term unveils itself with no light or shadow left out.

Beyond the unfolding of truths Yesterday possesses another power, that of softening and modulating the mind and heart. Egotism draws its vanity from a perfect forgetfulness of yesterday. Self-consciousness and coming greatness erase all else from the mind, and the egotist stands great in his possibilities. He is just about to conquer a world, or greatly surprise one. Any deep study of his own, or of the world's yesterday, would drain his heart of the last drop of personal vanity, for there was an arena, and he did not conquer, nor astonish a world, and there, all those who were more highly endowed, are sleeping in forgotten dust. If the past utters anything that is of value, it is that all self-worship and glorification, are the weakest shape human nature can assume, and that there is nothing worth living for, except the general mental, and moral progress of self, and of mankind. The great graves are those which cover the dust of hearts that did some work, that entered after them into the public welfare and happiness.

There is no vanity away from man. The sea gives us her music without egotism. The rainbow spreads out her gorgeous lines, without boasting. The nightingale sings her notes herself unseen among the wild thorn, in the silent night. The floral world in June fills the air with perfume, and the sight with her indescrib-

able tints, but without any ostentation. Man alone has vanity; not because man alone has soul, for this would be to degrade the soul below the standard of dumb life; but because man alone has wandered from the divine path. His wandering has been aided and abetted by his blindness to yesterday, and by living only in the proud thrones, and crowns, and glories of to-morrow. Vanity draws its chief nutriment from the future. This is, perhaps, the reason why nearly all of us pass through a vain period in early years. Fortunate is the heart that did not, in early life, pass through a score of years of personal greatness. The animal spirits, and poetry of youth, make it despise the past, and dwell only in the land of hope, and as the future contains nothing that can humiliate, contains no tombs, no disappointment, no dust of the heart, it carries the young soul away from truth, and decorates it in its own regal and gaudy drapery. But, when the past begins to be recognized by the mind, when the soul looks back at its own path, and the great path of mankind, a spirit rises from that wide, silent ocean, that drives away all self-worship, and makes man stand in a combined strength and humility—the only combination worthy of man or his Maker.

It may, perhaps, be a beautiful providence that young persons look only into the future, for there certainly should be some years of life set apart for a happiness without much alloy—such a joy does come from a steady gaze toward that realm, whose gates are not only always garlanded, but are always open. But, if this be so, then I know there is another providence, also, that makes man, as he draws near the noontime of life, labor and usefulness, begin to look back and find in the history of man, a sober truth, and a self-forgetfulness, and love of mankind, which the rosy future could not give. Hence, despise not the years, when you find your reflection begins to look back, for God has not, without reason, placed behind the human

race, a long five or ten thousand years, and it is not without reason, that this past is constantly becoming more immense, and more varied. It is the soil out of which man grows, and is to grow, and the longer the rains wash down the mountain sides, and the more of yesterday's leaves and grasses mingle with the mold, the greater will be the productions of to-morrow.

Yesterday contains all the battle-fields in which freedom was gradually wrought out from many threads all dipped in blood. Yesterday contains the experiment and the failure of all despotisms. Yesterday contains the onset and defeat of every form of sin and vice. Yesterday holds the ashes of all beauty, and of all life, except that of the soul with God. Yesterday is full of past usefulness, and of its ways and means, full of tears, and their causes and cures. In that shadowy domain, there stands the cross, and there is the Saviour, dying for the vast myriads of a race. God has not without reason thrown such an immense history behind his children of to-day. It must be that out of the world that has been, there is always flowing down to those who are living, a stream of wisdom and character, that bears them onward to a sacred destiny.

The past is the long, uniform trade-wind that bears the spirit along toward its far-off haven. The ship striking those winds, has around it a friend that shall for days and nights, and for weeks, without calm or storm, bear it along over the wide sea. The human spirit, if it will guide its course properly, may pass into such a moving air that, without storm or calm, will, day and night, throw it along toward a better, nobler home.

The poet Dryden bequeathed us a poem upon this great dream of to-morrow:

"Trust on, and think the morrow will repay,  
The morrow's falser than the present day;  
Lies worse, and while it says you shall be blest,  
Steals all the pleasures that you once possessed."  
Aware of the value and beauty of hope, and

not daring to depreciate it in the least, yet I do wish you all to feel that there are two other powerful influences in human life, in each individual life, to-day and yesterday. A bad yesterday is the saddest condition of the soul. If one can only look back upon a good yesterday, the future need not be feared; but, if yesterday was marked by a great crime or folly, I do not see how there could be an eternity long enough, or purifying enough, to wash it white. There may be some river Lethe, known only to God, and created by His mercy, dipped into which the soul may forget its vice and crime, but reason, looking upon the Catherines de Medicis, or upon the violent murderers of our own land, cannot see anything in the countless years of eternity that could erase the vision and memory of the black spot. "Things past," Livy says, "may be repented of, but never erased." Yesterday is nothing but to-day passed over by our mind and heart. The great duty of the hour is, not to gaze with poetic rapture into the future, but to weave out of the present a glorious past.

One of our poets says: "To-morrow do thy worst, for I have lived to-day." And the old Martial says: "Didst thou say thou wilt live to-morrow? He is the wise man who lived yesterday." To-day is the sublime part of life, because it is continually making that yesterday, which will always follow us, go where we may, in this life or one to come. Aristotle says there is one thing which God cannot change, and that is yesterday. If this is so, and we all feel that it is, then there is one thing better than all high resolve—namely, noble deeds already done. Better therefore, than hope of great things to come, is the memory of good already performed. Shakespeare says:

"To-morrow and to-morrow and to-morrow,  
Creeps in this petty pace from day to day,  
To the last syllable of recorded time;  
And all our yesterdays have only lighted fools  
The way to dusty death."

Oh, my friends, before whose feet the stream of life is running sweetly to-day, and above all,

oh, ye young hearts, who have, as yet, no yesterday, but in whose hands its destiny is lying all untouched and ready to be formed for joy or grief—do not despise to-day, and fill your eyes with only the vision of glittering hope; do not sit upon the banks of this stream waiting for its waters to run by and bring you the beautiful future, but pour out your hearts' powers and life upon the present, because it is creating a yesterday whose smile, if it wears one, will never perish, and whose tears of sin, if it has them, not even a merciful God can wipe away.

The chief part of your life is not that which spreads out before you, but it will soon be that which shall lie back of you. The impulse of a river is not in the broad expanses where it emerges into the sea, but is far back of that in the table land, and mountain ranges of a vast continent, all which, having caught the rains, and having dissolved the snows of yesterday, crowd the stream forward in a majestic sweep.

The wide mouth of the Amazon is the result of the storms and snows of a thousand winters. Thus life should not go on allured only by poetic hope, but pressed forward by the momentum and majestic flow of days that are gone. Heaven is a height to which men climb on the deeds of this life. Hence the Bible, speaking of the dead coming to heaven, says: "Their works do follow them." Oh, yes, these works make the soul; they weave its life out of their golden threads; they fill it with wisdom, and love, and humility, and then throw it forward to heaven, as the south wind carries Northward in spring the song of birds and the garlands of flowers. Hope is herself founded upon the past. It is a glorious past only that produces a serene, glorious hope. Yesterday is the foundation of the Heavenly City. Hope is the sweet blue sky in which the structure rises. Oh, friends, combine both hope and memory. Coming to the grave he only can look forward with joy who can sweetly look back.








JOHN SHERMAN

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## JOHN SHERMAN.

JOHN SHERMAN was born at Lancaster, Ohio, May 10, 1823. By the death of his father he was left an orphan at the age of six years. In the year 1831 he was taken into the home of a cousin of his father, who resided in Mount Vernon, where he attended school during the next four years. At the age of twelve he returned to Lancaster, and attended Mr. Howe's Academy for two years. So well did he apply himself that, at the end of that time, he was prepared to enter the Sophomore class in college. The next two years were spent as a member of the engineer corps, engaged on the Muskingum improvement. He then returned to Lancaster, and commenced the study of law; soon went to Mansfield, and continued his studies in the office of his brother Charles. After four years study he was admitted to the bar in 1844, and at once formed a partnership with his brother in the practice of his profession. While devoting himself energetically to the practice of law, he found time to encourage and take part in increasing the

advantages for commercial intercourse enjoyed by his city and county. He took a leading part in building railroads and other improvements.

Mr. Sherman early identified himself with the Whig party, and was a member of the Philadelphia convention, serving as its secretary. He returned to Ohio, and canvassed a portion of the State for General Taylor, the Whig candidate for President. In 1850 he was a member of the Whig convention in Ohio, where he advocated the nomination of General Scott as the next candidate for President by his party.

In 1852 he was a delegate to the Whig State convention, and a senatorial delegate to the national convention. In 1855 he was elected to Congress, and, by re-elections, remained a member of the House for six years, when he was advanced to a seat in the Senate.

He was one of the organizers of the Republican party in Ohio, attended, and was chairman, of the first convention held by that party in the State, and took a prominent part in the exciting discussions resulting from the repeal of the

Missouri Compromise, the Fugitive Slave Law, and the Kansas-Nebraska bill.

He was a member of the Kansas investigating committee, appointed by the House, and performed the important work required of him with thoroughness and impartiality. In 1856 he was an ardent supporter of Colonel Fremont for the Presidency. At the commencement of his third term in the House, in 1859, he was a prominent candidate for the Speakership, lacking but a few votes of a majority. During this session he was chairman of the Ways and Means Committee.

When Mr. Chase, who had been elected to the Senate, resigned that office in order to accept the post of Secretary of the Treasury, in the year 1861, Mr. Sherman was elected to succeed him in the Senate.

The great civil war was now upon the country, and Mr. Sherman was one of the most active and able among the supporters of the government in its struggle for life.

In his place in the Senate he was tireless in labors to devise and arrange for the funds and provisions for the prosecution of the war. Out of Congress he was no less tireless in enlisting, providing for, and encouraging the soldiers of the Union.

He was re-elected to the Senate in 1866, and again in 1872, and during all this period was one of the most prominent members on financial questions. In 1877 he was selected by President Hayes to fill the office of Secretary of the Treasury. In his new position he managed the financial affairs of the country with marked ability and success. He effected a refunding of the public debt at lower rates of interest, and the resumption of specie payments by the government in 1879. During the closing months of President Hayes' administration, he was prominently before the country as a candidate for the Presidential nomination. He failed to secure the desired prize, his friend, James A. Garfield, being nominated by the Chicago convention in 1880.

## THE CURRENCY AND SPECIE PAYMENTS.

*Mr. Sherman's Speech, delivered in the United States Senate Jan. 16, 1874.*

MR. PRESIDENT: It was my purpose not to address the Senate until I had the benefit of the opinions of all Senators who wished to express their opinion; and then I proposed, in closing

the debate, to state the general reasons that influenced the Committee on Finance to report this resolution. But, as the Senator from Illinois [Mr. Logan] tells me he is not very well

to-day, and other Senators are not prepared, I prefer, rather than cause delay, to state, as best I can, the reasons now.

And, sir, at the outset of my remarks, I wish to state some general propositions established by experience, and the concurring opinions of all writers on political economy. They may not be disputed, but they are constantly overlooked. They ought to be ever-present in this discussion as axioms, the truth of which has been so often proved that proof is no longer requisite.

The most obvious of these axioms, and one which lies as the foundation of the argument I wish to make to-day, is that a specie standard is the best and the only true standard of all values, recognized as such by all civilized nations of our generation, and established as such by the experience of all commercial nations that have existed from the earliest period of recorded time. While the United States, and all other nations, have for a time, under the pressure of war or other calamity, been driven to establish other standards of value, yet they have all been impelled to return to the true standard; and even while other standards of value have been legalized for the time, specie has measured their value, as it now measures the value of our legal tender notes. This axiom is as immutable as the laws of gravitation, or the laws of the planetary system, and every device to evade it or avoid it has, by its failure, only demonstrated the universal law that specie measures all values as certainly as the surface of the ocean measures the level of the earth.

It is idle for us to try to discuss with intelligence the currency question until we are impressed with the truth, the universality, and the immutability of this axiom. Many of the crude ideas now advanced spring from ignoring it. The most ingenious sophistries are answered by it. It is the governing principle of finance. It is proved by experience, is stated clearly by every leading writer on political economy, and is now here, in our own country, proving its

truth by measuring daily the value of our currency, and of all we have or produce. To establish it, I might repeat the history of finance from the shekels of silver, "current money with the merchant," paid by Abraham, to the last sale of stock in New York. I might quote Aristotle and Pliny, as well as all the writers on political economy of our own time, and trace the failure of the innumerable efforts to establish some other standard of value, from the oxen that measured the value of the armor of Homeric heroes to the beautifully engraved promise of our day; but this would only be the hundred-times-told tale which every student may find recorded, not only in school-books, but in the writings of Humboldt, Chevallier, Adam Smith, and others of the most advanced scientific authorities. They all recognize the precious metals as the universal standard of value. Neither governments, nor parliaments, nor Congresses can change this law. It defies every form of authority, but silently and surely asserts itself as a law of necessity beyond the jurisdiction of municipal law.

Other mediums of exchange have been devised, and are in general use, but their value is measured every moment, by the true standard of the precious metals. And this standard will measure the value of your three sixty-five convertible, elastic, irredeemable bonds, and of any currency we may issue, before they are issued, the moment they are issued, and at every hour while they are in circulation. The ignorant and the credulous will measure their labor, their productions, and their property by that, or any other standard, you may devise; but the sagacious and prudent will test it by the specie standard. If we will now but recognize, and act upon the fundamental truth, that there is, and can be but one true standard of value, and that the specie standard, we shall have advanced a great way in the solution of the all-important question upon which we are called to act.



The reasons for this are obvious. The innumerable wants of every civilized man, however moderate his income, demand the labor of thousands of persons. The slave who toiled for his daily bread and scanty clothing consumed more or less of the products of the labor and capital of an army of farmers, artisans, and capitalists, and the exchanges of all these productions can be made only by the use of some recognized standard of value which will measure the value of a pin as well as the highest production of art. This standard must be of intrinsic value, durable, divisible, easily transported, of universal use, and of the same qualities wherever found. Gold and silver alone unite all these qualities. To use the language of another:

"Though far from invariable, the value of these metals changes only by slow degrees; they are readily divisible into any number of parts, which may be reunited by means of fusion, without loss; they do not deteriorate by being kept; their firm and compact texture makes them difficult to wear; their cost of production, especially of gold, is so considerable that they possess great value in small bulk, and can of course be transported with comparative facility; and their identity is perfect, the pure gold and silver supplied by Russia and Australia having precisely the same qualities with that furnished by California and Peru. No wonder, therefore, when almost every quality necessary to constitute money is possessed in so eminent a degree by the precious metals, that they have been used as such from a very remote era. Their employment in this function is not ascribable to accident, to the genius of any individual, or to any peculiar combination of circumstances. It grew naturally out of the wants and necessities of society on the one hand, and on the means of supplying them possessed by these metals, on the other. They became universal money, as Turgot has observed, not in consequence of any arbitrary agreement among men, or of the intervention of any law, but by the nature and force of things."

Of late years much difficulty has grown out of the slightly varying value of silver and gold, as compared with each other, and the tendency of opinion has been to adopt gold alone as the standard of value. The United States has twice changed the relative value of these metals, and other modern nations have been driven to similar expedients. At the Paris monetary conference, held in 1867, which I had the honor to attend, the Delegates of twenty nations repre-

sented, agreed to recommend gold alone as the standard of value. The United States, and nearly all the commercial nations, have adopted this standard, and reduced the use of silver to a mere token coinage of less intrinsic value than gold, but maintained at par with gold, because paid out only in exchange for gold. So that, for all practical purposes, we may regard gold as the only true standard, the money of the world, by which the value of all property, of all productions, of all credits, and of every medium of exchange, and especially of all paper money, is tested.

Specie, in former times, was not only the universal standard of value, but it was also the general medium of all exchanges. In modern times this is greatly changed. Specie is still the universal standard of value, but it has ceased to be even the usual medium of exchange. The failure to discriminate between the standard of value, and the medium of exchange, occasions many of the errors into which so many fall, and nearly every Senator who has spoken on one side of the question, has fallen into this error. Specie has lost a portion of its sovereign power, for, with the enormous increase of exchanges, it was found that, valuable as it is, it was too heavy to transport from place to place as a medium of exchange. The perils of the sea, the dangers of theft and robbery, led to devices to substitute promises to pay gold in place of the actual gold.

In this way bills of exchange, drafts, promissory notes, checks, and similar commercial paper came into use, so that now, even in this age of paper money, it is computed that fully 95 per cent. of all the exchanges in commercial cities is made by such promises to pay. Only 5 per cent., one-twentieth part, of the payments in New York is made in money, and this chiefly in paper money, and not in gold. If gold were now the only legal standard of value, it would not be used as a medium of exchange for one per cent. of the transactions of daily life. The convenience

and portability of commercial paper and paper money have caused them to supersede gold as a medium of exchange, but have left it as the fixed, the only true standard of value, by which the value of all mediums of exchange is tested.

In England where the specie standard of value is jealously maintained, and where no Bank of England note can issue beyond a prescribed limit, except upon a deposit of an equal amount of gold, specie is not used as a medium of exchange to an amount exceeding two per cent. of the aggregate payments. Ninety-eight per cent. of all payments is in commercial paper or bank bills, but the fixed and unalterable standard of value of all this paper money is gold coin. Sometimes the daily payments in London alone exceed all the gold in Great Britain, but only about one per cent. is actually paid in gold, and about five per cent. in Bank of England notes. In France, until the recent German war, gold and silver were more used as a medium of exchange than in any country of our day. She had in circulation from 1868 to 1870 an amount of gold and silver greater than the aggregate of the gold and silver of Great Britain, the United States, and Prussia. Her specie circulation amounted to \$700,000,000. Driven by the necessities of that war, she has substituted paper money amounting to \$520,000,000 as a medium of exchange for the gold and silver formerly circulated, but with wise statesmanship she now maintains her present vast volume of paper money at or near par in gold. She has adopted another medium of exchange, but she maintains in harmony with reason and experience, the gold standard of value.

All modern experience teaches the importance of the division of labor. Indeed, that is the favorite topic of every writer on political economy. Every man to his trade, and if the trade can be subdivided into many specialties, then every man to his specialty. I was in Mr. Gillett's celebrated manufactory of steel pens, and saw that the labor of thirty men and women

contributed to the making of this implement. Each one was skillful in his part, and that part was perfectly done. The subdivision of labor and skill gave increased wages and value to the work of each laborer, secured a fortune to the owners, and a perfect pen to the world. The same law which demands a division of labor applies to professional and scientific pursuits. The law has many specialties. The honors of science are won only by those who devote their mental faculties to one branch of study.

The same law extends to all leading productions, as cotton, wool, wheat, corn, and gold. The purposes for which each of these commodities is best fitted are established by experience. In this way the experience of centuries in former generations established gold as both the standard of value, and the medium of exchange; but modern necessities have now established paper money, credit money, whether in the form of bills of exchange, checks, bank bills, or notes of the State, as the best medium of exchange, leaving gold, however, as the best and only true standard of the value of all paper money, as well as of all commodities.

Now, it has often happened, not only in the United States, but in other countries, that credit money has proved worthless. This is an unavoidable incident of such money. So far as it consists of checks or like credits, it must depend upon voluntary contracts of individuals. Each person is at liberty to accept or refuse all such mediums of exchange, and if he suffers a loss by the failure of a banker or broker it is his misfortune, for which the government is not responsible, and can give him no relief, except through the laws for the collection of debts. But a different rule applies to paper money issued by a State or by a corporation authorized by the State to issue money. Whether this money is legal tender or not, it is, by usage and custom, money, and its receipt and payment are practically as compulsory as if it were gold coin. No man can refuse it unless he is a capitalist,

who may resort to the law to enforce payment in legal tenders. The laborer must take it from necessity, or get no employment. The merchant must take it, or keep his goods. Usage in such matters is stronger than law. It is this kind of money that it is the duty of the State to protect from depreciation and loss. It must protect it by the best security possible, and that security in every well-ordered government is the "public faith." Upon this principle Great Britain, France, and the United States have founded their financial systems.

But another duty rests upon the government undertaking to issue, or to authorize the issue of paper money, and that is, to maintain this paper money at the gold standard. Great Britain and France recognize this duty, and perform it. The United States recognizes its duty, but does not perform it. Our currency is founded upon the public faith. The public faith of the United States is pledged to pay United States notes in coin. The national bank notes are amply secured by bonds more than sufficient to redeem them in coin, and yet they are all depreciated; now at 10 per cent to-morrow at 11, and yesterday at 8. It is the depreciation of our paper money which is the standing reproach of our financial system, which lies at the foundation of all our troubles, and to remedy which is now the most important and difficult duty of Congress.

Mr. President, thus far my remarks are founded upon the experience of ages, applicable to all countries, and to all commercial nations of our times. I present them now as axioms of universal recognition. And yet I have heard these axioms denounced in this debate, as "platitudes," useless for this discussion in the Senate of the United States. The wisdom of ages, the experience of three thousand years, the writings of political economists, are whistled down the wind, as if we in this Senate were wiser than all who have reasoned and thought and legislated upon financial problems—as if all this accumulated wisdom consisted of "plati-

tudes" unworthy to influence an American Senate in the consideration of the affairs of our day and generation.

Sir, I do not think so. If we disregard these "platitudes," we only demonstrate our own ignorance, and furnish our constituents with evils that we ought to avoid. I purpose now to pursue the argument further, and to prove that we are bound, both by public faith and by good policy, to bring our currency to the gold standard; that such a result was provided for by the financial policy adopted when the currency was authorized; that a departure from this policy was made after the war was over, and after the necessity for a depreciated currency ceased; and that we have only to restore the old policy to bring us safely, surely, and easily to a specie standard.

First, I present to you the pledge of the United States to pay these notes in coin "at the earliest practicable period." In the "act to strengthen the public credit," passed on the 18th day of March, 1869, I find this obligation:

"And the United States also solemnly pledges its public faith to make provision at the earliest practicable period for the redemption of the United States notes in coin."

Without renewing the discussion in regard to the nature of these notes, or quoting the decision of the Supreme Court of the United States, or the declaration of the various acts of Congress from 1862 down, I rest upon this pledge of the public faith. Under what circumstances was it made? The condition of our currency, the obligation of our bonds, the nature of our promises, had been discussed before the people of the United States, in the campaign of 1868; various theories had been advanced; and the result was, that those who regarded the faith of the nation as pledged to pay in coin, not only the bonds of the United States, but the notes also, prevailed, and General Grant was elected President of the United States. On the eastern portico of the capitol, on the 4th of March, 1869, he made this declaration:

"A great debt has been contracted in securing to us and our posterity, the Union. The payment of this, principle and interest, as well as the return to a specie basis, as soon as it can be accomplished, without material detriment to the debtor class, or to the country at large, must be provided for. To protect the national honor, every dollar of government indebtedness should be paid in gold, unless otherwise expressly stipulated in the contract. Let it be understood that no repudiator of one farthing of our public debt will be trusted in public place, and it will go far toward strengthening a credit which ought to be the best in the world, and will ultimately enable us to replace the debt with bonds bearing less interest than we now pay."

The Congress of the United States, in order to put into form its sense of this obligation, passed the act "to strengthen the public credit," and the last and most important clause of this act is the promise which I have just read, that these notes shall be paid "at the earliest practicable period" in coin.

What was the effect of this promise? Why, sir, I have here the daily register of the sales of our greenbacks in New York, because that is the legal effect of transactions in gold. We have called our false standard the true standard, by calling the dollar of our broken promises the standard of value, when every man of intelligence, who bought and sold anything, even our own domestic products, knew that gold was the true standard, and measured our greenbacks by it. I have here the daily sales, and what do they show? On the day we made that promise, the 18th of March, 1869, the greenbacks, the notes of the United States, were worth 75¾ cents in gold, or in other words, gold was at a premium of 32 per cent. That was the measure of the credit of these notes when we made this promise. It took nearly four dollars of greenbacks to buy three dollars of gold. What was the result? After you enacted that law, pledging the faith of the people of the United States that you would redeem this promise—the value of your greenbacks advanced, not rapidly, but gradually, and in one year, to within 12 per cent. of par in gold.

The causes of the rise are not material in my argument. The fact is that, in one year from

the time that promise was made, the value of our greenbacks was over 89 cents in gold. I have here the quotations of the 18th of March, 1870, which give gold at a premium of 11½, so that a greenback in market value was worth more than 89 in gold. Thus, in a single year, from the 18th of March, 1869, to the 18th of March, 1870, the credit of the United States rose, so that the barometer of the money market, which you cannot control, measured the depreciation of your note at only 11 per cent., instead of 25 per cent. the year before.

Mr. President, we see, then, the effect of this promise. And I here come to what I regard as a painful question to discuss—how have we redeemed our promise? It was Congress that made it, in obedience to the public voice; and no act of Congress ever met with a more hearty and generous approval. But, I say to you with sorrow, that Congress has done no single act the tendency of which has been to advance the value of these notes to a gold standard; and I shall make that clearer before I get through. Congress made this promise five years ago. The people believed it, and business men believed it. Four years have passed away since then, and your dollar in greenbacks is worth no more to-day than it was on the 18th of March, 1870; and no act of yours has even tended to advance the value of that greenback to par in gold, while every affirmative act of yours since that time has tended to depreciate its value, and to violate your promise.

Mr. President, these are simple facts, although it may be painful for us to discuss them. I do not say that Congress, in this matter, disregarded the will of the people, because there was a public feeling against any measure which tended to advance the value of the greenbacks to the gold standard. I am not complaining of Senators or members who represent their constituents, but I do say that the fact stands out as clear as light, that the Congress of the United States, which made this promise, has

done no single act, the tendency of which even leads one to suppose that it will ever redeem its promise.

Sir, let us see what has been done. We have paid \$400,000,000 of the public debt, and we boast of it—of debt not due for years. We have paid to redeem that debt a premium of \$40,000,000. In other words, we have paid \$440,000,000 to redeem four hundred millions of debt not yet due, and we have not redeemed a single debt that was due in March, 1869; but, on the contrary, we have increased the kind of debts then due in greater proportion than the increase of our population. And, sir, while our promise did advance the credit of our bonds and of our notes alike, and while the execution of that promise, as to our bonds, has advanced our bonds to above par in gold, yet we have done nothing whatever to redeem the second clause of that pledge; but, on the other hand, all we have done, has been done with the intention and with the effect, of depreciating the value of our notes.

I am not here to find fault with individuals; but I do say that the Congress of the United States in the measures which have been adopted; has not done what it ought, to redeem the pledge of the public faith, to pay these notes in coin, "at the earliest practicable period." Why, sir, at this moment, we are living in daily violation of this pledge. I said a moment ago, that, instead of adopting measures looking toward specie payments, we have increased the volume of our currency in every branch of it. Now let us see if this be true. I have here a statement, taken from the official report of the Secretary of the Treasury, of the amount of the currency on the 30th of June, 1869. I cannot find a statement for the 1st of March, 1869, but it was the same, because it was fixed by law. I find that on the 30th of June, 1869, we had three hundred and fifty-six millions of greenbacks, the same amount that we had on the 18th day of March. That was the maximum amount,

as it was supposed, fixed by law. When the act of the 18th of March, 1869, was passed, no one dreamed that there existed a power to issue forty-four millions more.

Our greenbacks were then \$356,000,000. On the 1st of January, 1874, according to the last statement of the public debt, they were \$378,481,339. We had, then, increased this form of our currency \$22,481,000. And that is not all. Since that time, and up to the 10th of January, according to a New York newspaper—and I suppose it is correct—I find that the amount of legal-tender notes, outstanding, increased to \$381,891,000, or an increase since the 1st of January, of something like \$3,400,000, or at the rate of \$400,000 a day. Every dollar of this new issue of paper money directly tended to depreciate that outstanding, and was issued in violation of the spirit, and the letter, of the law of 1869. I am not now speaking of the legal power of the Secretary of the Treasury to make this issue, because I have already given my opinion fully on this subject, in an official report, but only to call your attention to the fact, that, by our acquiescence, we have actually watered, debased, and depreciated by new issues, the very notes we promised to pay in coin, "at the earliest practicable period."

Nor is this all. Under authority clearly conferred by law, on the Secretary of the Treasury, we have increased the fractional currency, from \$27,508,928, at which it stood on the 30th of June, 1869, to \$48,554,792, or an increase of fractional currency of \$21,046,000. Again, sir, driven by a local demand, which we could not resist, founded upon a palpable injustice, growing out of the mistake of an officer of the government, long ago, in the distribution of the national bank circulation, we did authorize by law, an increase of the bank circulation of the South and West, to the amount of \$54,000,000. The amount of bank notes issued at the time we made this pledge, was \$299,789,000; and to-day, the amount outstanding is \$339,081,000, show-

ing an increase in this kind of notes of \$39,300,000, or an increase in the currency, since the promise to pay it in coin, "at the earliest practicable period," and all legal tender, in effect, of \$82,827,000; and now this process of inflation is going on daily, first, by the issue of the remainder of the forty-four million reserve, and secondly, by the issue of new bank notes, as banks are organized, under the act of July, 1870; and yet there is a cry for more, more.

It is true that the bank notes could only be issued as the 3 per cent. certificates, another form of government indebtedness, were retired. But, sir, at the time the law of March 18, 1860, was passed, it was just as well known as at a later period, that these 3 per cent. certificates were a demand of indebtedness, which the government was expected to pay at its pleasure, and its will. The government could have paid the 3 per cent. certificates at any time, with the money that was used for paying the bonded debt of the United States, and thus have advanced toward a specie standard.

I am willing to take my share of the responsibility for results, for I certainly am guilty of aiding in the passage of the law to equalize the distribution of bank circulation, under which there was an increase of bank notes. I have no criticism to make upon what has been done by the Executive authorities. What I say is, that Congress has not sufficiently kept in its view that obligation—approved by the people in 1868, and declared by Congress in 1869—that the United States would redeem "at the earliest practicable period," these notes in coin.

Now, sir, I ask, has it not been practicable at any time in the last four years to advance in some degree, these notes toward the specie standard? My honorable friend from Indiana says, that for the last four or five years we have had a time of unbounded plenty, and great prosperity: we have built thousands and tens of thousands of miles of railroad; we have built furnaces; we have expanded our enter-

prises, and proved our energy. All this we have done. We have got through a period of prosperity, almost unexampled; but it seems we never were prosperous enough, during all this time, according to the Senator from Indiana, to fulfill any part of this obligation, which we made on the 18th of March, 1869. Sir, when will it be practicable? Was it when the Treasury was overflowing, and we were seeking new outlets, new modes of expending money, new modes of paying debts not yet due? When will it be practicable, according to the Senator's construction? I press that question upon him, not for an answer now, but let him say to the business men of the country, when it will be practicable to restore the gold standard. If it cannot be done in seasons of plenty, of prosperity, of overflowing revenues, shall it be done in times of adversity, and trial, and tribulation? What condition of affairs would justify us in redeeming the sacred obligation which impels us to return to the specie basis "at the earliest practicable period?"

I am of opinion that at any time since the promise was made steps could have been taken to redeem it, and that now, under the pressure of panic, when debts are greatly diminished, is a favorable time for entering, by decisive measures, upon the policy of resumption. But I suppose, according to the Senator's ideas, we are to issue more paper money, make more good times, start the ball of inflation, with a view that some time, may be, in the dim future, we will undertake to perform our promise.

But now let us come to the specific question of the time for resumption. Shall the redemption of this pledge be postponed until the public debt is paid? Why, sir, one-tenth of the money we have used to pay the public debt not due, would have brought us to a specie standard. No one supposes that, under an ordinary state of affairs, the currency of the country—the greenbacks—need be reduced below three hundred millions in order to bring us to a specie stand-

ard. I have heard some of the ablest and most experienced business men in the country declare that, whenever the right to convert greenbacks into gold or its equivalent, should be secured so that prudent men would see that the government had the power to maintain its specie standard, there would be no reduction of the currency to any appreciable extent. But, whether that be so or not, no one has claimed that the amount of greenbacks need be reduced below \$300,000,000, in order to bring that remaining \$300,000,000 up to the standard of gold. That would be a reduction of \$56,000,000. Fifty-six millions of the money that we have applied to the payment of debt not yet due, would have brought all the remaining greenbacks up to par in gold, would have made our bank notes convertible into the standard of gold, and we should have had, almost without knowing it, specie payment—a solid, safe, and secure basis. The \$40,000,000 of greenbacks we paid as a premium for our bonds, would have accomplished this result. Thousands of men who have been ruined by the false ideas that sprung from this fever-heated, depreciated paper money would be now useful, able, and successful business men, instead of having been ruined by bankruptcy.

Sir, we gain nothing by postponing the fulfillment of our promise with a view to reduce the public debt. We have to pay the debt in coin any way, and the same coin that pays it now would pay it after our currency had been restored to par. If the old idea of Mr. Pendleton had prevailed that these bonds should be paid in greenbacks, then there would be a motive for us to depreciate the greenbacks in order to pay off our bonds at the cheapest rate. But this promise to pay in coin extended to the bondholder. We promised to pay the bondholder gold for his bond, and the people gold for their greenbacks. We have fulfilled our promise to the bondholder. We have paid him in gold. We have bought the gold. We have paid him

at a premium of 10 per cent. on our currency. Not a single effort, not a single measure, has succeeded in either House of Congress that looks to the redemption of the promise to the people who hold these greenbacks, which measure their daily toil in their productive avocations. We cannot postpone this obligation until the payment of the public debt, because, although we have rapidly advanced in the payment of the public debt, it will be many long years before that "consummation devoutly to be wished" will be reached.

Shall we postpone the redemption of all greenbacks until we can accumulate enough gold in our Treasury to pay them? We know the effect of that policy. Any attempt to accumulate great masses of gold in the Treasury will not only excite popular opprobrium, by holding idle in the vaults of the Treasury money that ought to draw interest, but it will create a stringency in the gold market. It will advance the value of the very thing we wish to get. Accumulate gold in great masses, and it will advance the price of gold all over the world. We could not now, with all our teeming productions, draw to this country \$200,000,000 in gold without disturbing the Bank of France, the Bank of England, and all the money centers of the world. Therefore, the idea of postponing the day of specie payments until we could accumulate enough gold to redeem the greenbacks, would be the idlest, vainest delusion, and the most foolish hope.

What then? Shall we postpone the payment of our notes in coin, shall we put off the fulfillment of our promise, until the mysterious "balance of trade" is in our favor? There never was a greater humbug in the world than this idea of the "balance of trade." Why, sir, the "balance of trade" is now largely in our favor; our exports exceed our imports; we ought now to be supremely happy. But, a year ago, the "balance of trade" was \$100,000,000 against us. We sent our exports to Europe, it

is true; but we imported silks and satins and wines. All the luxuries of the Orient, all the rich goods of every clime, came pouring into this country. The "balance of trade" was against us; and yet, according to the argument of my friend from Indiana yesterday, the last two or three years when the "balance of trade" was against us, was a happy time, halcyon days, when we had prosperity in all branches of industry, and were building many thousands of miles of railroad every year.

Mr. President, this fallacy of the "balance of trade" ought not to enter into the calculations of prudent men. When the "balance of trade" is in our favor, it indicates thrift and economy. It shows we are exporting our surplus products, and getting a fair price for them, and taking solid gold or paying debts in exchange for them, instead of taking silks and satins. But this is not conclusive evidence that, when we are importing more than we are exporting, we are necessarily carrying on a losing trade. These imports may be, in actual wealth, producing property, such as capital, machinery, or the like, more valuable to us than the burden of the interest we pay on the "balance of trade." The whole theory depends upon the nature of the imports for which we run in debt. In this respect the "balance of trade" is precisely like the "balance of trade" between the merchant and the farmer. If the farmer buys less than he sells, he is surely on a safe footing; if he buys more than he sells, the result will depend entirely upon what he buys, whether luxuries consumed in the using, or materials for actual productive improvements on his farm. If the latter, he is prosperous and happy, though the "balance of trade" may be against him. It is not a question of "balance of trade," but a question of prudence and judgment in the trade itself. Only a year ago I had a controversy with a fellow Senator, who is now present, about this "balance of trade." He insisted that when the "balance of trade" was against

any nation, it was an evidence of decay. I said this was a fallacy. He replied that no country could be prosperous unless the "balance of trade" was in its favor. I asked him if he thought Great Britain was a prosperous country, and he said it was a very prosperous country, and that the "balance of trade," was always in favor of Great Britain. We made a friendly bet on the subject, and it turned out that the "balance of trade" was against Great Britain to the tune of over \$300,000,000 per annum, and had been for twenty years. By the fallacious theory of the "balance of trade," Great Britain was on the high road to ruin. Yet the whole of this balance of imports was in commodities sent to pay interest on English investments in foreign countries—profits of trade, and so forth. The profits of the trade were all in favor of Great Britain, which imported raw articles and exported high-priced productions, while the "balance of trade" only represented increased and increasing wealth, instead of ruin and poverty; so that all this talk about the "balance of trade" is the sheerest nonsense.

Sir, there is no time unfit to fulfill a sacred obligation, and there has been no day since this obligation was declared by Congress when we should not have directed our attention toward redeeming it. The only question is, for Congress to say with what rapidity it will advance toward specie payments. When you tell me you have the right to choose the time and the occasion, I say, you have done nothing. You have buried your talent, and are an unfaithful steward. I ask the honorable Senator from Indiana what single act of Congress, since this pledge was made, has even tended toward specie payments? Let him look over the statute books, examine them all, and he will answer, none. I have sought in vain for any legislation to show that Congress has been mindful of this obligation; I cannot find a single measure that even tended toward specie payments.

We are told that we are all for specie pay-



ments. Even my friend who now occupies the chair [Mr. Ferry, of Michigan] tells us he wants to issue one hundred millions more of paper money to prepare us for specie payments. He looks to specie payments as the ultimate result of his one hundred millions. We are all for specie payments some time, may be. We are not in favor of it in times of plenty. We are not in favor of it in times of great prosperity. We are not in favor of it in view of the panic. When shall we be in favor of it! That is the question that Senators ought to be prepared to answer to the business men of this country. There is not a man who buys and sells, who deals in exchanges, a banker or a broker, but measures daily the depreciation of your notes. He is compelled to take them, and he eagerly asks you, as you have promised to redeem them "at the earliest practicable period," if you cannot fix the time; to state under what circumstances, under what condition of trade, under what condition of plenty, under what condition of surplus revenue, you will pay them.

The very uncertainty of such an obligation, as it is now construed, would prevent the richest man in the city of New York from borrowing a dollar upon it. Mr. Astor, with his untold wealth, could not borrow a thousand dollars of any gentleman who now hears me upon a promise so vague and indefinite as you seek to make this. And yet the people of this country have been compelled to submit to a forced loan, and the business men of this country are compelled to take such paper as the standard of their values and of all the values, when no living man can guess the time when, or the circumstances under which, this promise will be redeemed.

I say, therefore, that if the ideas of these gentlemen are to prevail in the Senate, they ought to tell the country, when, and under what circumstances, they will redeem this promise. I say to Senators, that if now, in this time of temporary panic, a great part of which, as I

shall show you, has already passed over, we yield one single inch to the desire for paper money in this country, we shall cross the Rubicon, and there will be no power in Congress to check the issue. If you want forty millions now, how easy it will be to get forty millions again! If you want one hundred millions now, convertible into three sixty-five currency bonds, how soon will you want one hundred millions more? Will there not always be men in debt? Will not always men with bright hopes embark too rashly on the treacherous sea of credit? Will there not always be a demand made upon you for an increase? And when you have crossed the Rubicon, and have fulfilled the pledges you have already made to the people of the United States, where can you stop? Where our ancestors stopped at the close of the Revolution; where the French people stopped in the midst of their revolutionary fervor!

Sir, I regard it as the proudest achievement of the American people, that, so soon after the war, they so faithfully and honorably redeemed their obligation to the bondholder. I demand the same honorable fulfillment of your promise to the noteholder. Now is the time to make the stand, not only to prevent any further violation of law, and of our promise, but to retrace our steps, and to give some decisive token that you will pay our paper money in coin, as we agreed to do.

This is all I desire to say in regard to this pledge of the public faith. But I wish to go a little further. I wish to show you that the policy of the country, adopted at the time these notes were issued, contemplated that they should be maintained at par in gold; that that policy was only temporarily abandoned under the pressure of war. The act of February 25, 1862, is the fundamental constitution of our present financial system. It was passed after the greatest deliberation, in both Houses of Congress. It contains every principle and element of our whole financial system. There

is not an idea advanced during the war, that operated successfully, that is not contained in the act of February 25, 1862. That act provided for the issue of the greenbacks; it provided for the issue of certificates of indebtedness; it provided that your internal taxes should be paid in paper money, and that your duties should be paid in gold; it established your sinking fund; it secured the interest on the public debt, always to be paid in coin; it set aside the coin from customs duties to pay it. That act provided that the greenbacks issued under it, should be maintained at as near par in gold, as possible, during the war, but at all events, at par with the best bond that could be issued by the government of the United States. I will ask the Secretary to read the stipulations that were made in regard to these notes. They will show how sacredly the notes were regarded, and how carefully their security was watched.

The Chief Clerk read as follows:

"And such notes herein authorized, shall be receivable in payment of all taxes, internal duties, excises, debts, and demands of every kind due to the United States, except duties on imports, and of all claims, and demands against the United States of every kind whatsoever, except for interest upon bonds and notes, which shall be paid in coin, and shall also be lawful money, and a legal tender in payment of all debts, public and private, within the United States, except duties on imports, and interest as aforesaid. And any holders of said United States notes, depositing any sum, not less than fifty dollars, or some multiple of fifty dollars, with the Treasurer of the United States, or either of the assistant treasurers, shall receive in exchange therefor, duplicate certificates of deposit, one of which may be transmitted to the Secretary of the Treasury, who shall thereupon issue to the holder an equal amount of bonds of the United States, coupon or registered, as may by said holder be desired, bearing interest at the rate of six per cent. per annum, payable semi-annually, and redeemable at the pleasure of the United States, after five years, and payable twenty years from the date thereof. And such United States notes shall be received the same as coin, at their par value, in payment for any loans that may be hereafter sold, or negotiated by the Secretary of the Treasury, and be re-issued from time to time, as the exigencies of the public interests shall require."

I have had this clause read, to show you that the foundation of the greenback was coin. Although it could not at the moment, during the war, be converted into coin—for the wants of

the government, were greater than all the coin of the United States, or perhaps than all the coin in the world, attainable during war—yet the government based the whole upon coin. Every bond that was issued, was issued only upon the sacred pledge contained in this act, that the interest of that bond should be paid in coin; and the principal should be paid, when due, in coin. The fifth section of the act provided that all duties on imported goods, shall be paid in coin; and that this money shall be set aside, as a special fund to pay the interest on the bonded debt in coin. Then, in order to secure the greenbacks, it authorized any holder of greenbacks to pay any debt, public or private, with them; and every citizen of the United States was bound to take them. Then it authorized them to be converted into six per cent. bonds of the United States, payable, principal and interest, in gold. If the policy provided for by this act had been maintained, we should long since have arrived at specie payments, without any serious disturbance of our monetary affairs.

Now, Mr. President, I proceed to show the Senate how this provision, the convertible clause of the act of February 25, 1862, was repealed. On the 3d of March, 1863, Congress passed "An act to provide ways and means for the support of the government." This act was passed during the dark hours of the war. The currency of the country did not flow into the Treasury rapidly enough to pay our army. I remember that, at about the time this act was passed, there were very large unpaid requisitions. The Secretary of the Treasury, instead of issuing any more six per cent. bonds, desired to float a ten-forty-five per cent. bond; in other words, to reduce the burden of interest upon the public debt. At this time there were three hundred millions of circulation outstanding; and with all the rights and all the privileges conferred upon the greenbacks, they did not flow into the Treasury fast enough to furnish means to carry on the operations of the war. The Secretary

reasoned somewhat in this way: He said that the holder of greenbacks had the right to convert them at any time into bonds bearing six per cent. interest; but, as that right could be exercised at any time, the people were apt to postpone the exercise of it, and he believed it would advance the conversion of these notes into bonds by taking away the absolute legal right to convert. In other words, the suspension of this convertibility clause was passed with a view to promote conversion; and, if possible, to reduce a conversion into a five per cent. gold bond instead of a six per cent. bond. When the Secretary of the Treasury presented this view to Congress he was at once met with the pledge of the public faith, with the promise printed on the back of the greenbacks that they could be converted into six per cent. bonds at the pleasure of the holder; and it was urged that we could not take away that right. This difficulty was met by the ingenuity of the then Senator from Vermont [Mr. Collamer]. He said that no man ever exercised a right which could not properly be barred by a statute of limitations; and, if this right was injurious to the people of the United States, and prevented the conversion of these notes into bonds, we might require the holders to convert them within a given time; that we could give them a reasonable time within which they could convert the notes into six per cent. bonds, and after that take away the right.

The act of March 3, 1863, was amended by inserting this clause:

"And the holders of United States notes, issued under or by virtue of said acts, shall present the same for the purpose of exchanging the same for bonds as therein provided on or before the 1st day of July, 1863, and thereafter the right so to exchange the same shall cease and determine."

In reviewing the history of our times I am not sure but that in this we made a mistake. I am not sure but that it would have been better to submit to any sacrifice rather than palter with the public faith. If there was any wrong done by Congress at that time, I am willing to share

the responsibility of it, although I felt at the time the danger of the measure. But, sir, under the pressure of war we could not consider as carefully as we can now, all the obligations that rest upon us. The life of our country was at stake; every man's property was felt to be insecure if the Union was destroyed, everything was imperiled, and we did a great many things in those times of peril, and excitement, and trial, that we would not like to do now. Thousands of men rushed to the battlefield and surrendered their lives; others gave up their property; mothers their children. There were acts of heroism done at those times, and sometimes acts of wrong.

I am willing to take my share of responsibility for the passage of this act; but theorists can demonstrate very easily that in this very act we laid the foundation of the long delay in the return to a specie standard. If the right to convert greenbacks into bonds had been retained as the permanent policy of the country during the war, then no man would have been bold enough or bad enough to take that provision away in time of peace. But mark, sir, while the legal right to convert notes into bonds was taken away, no one contemplated a denial of the actual conversion. The notes were still received par for par for bonds during the war, and after the war was over. The right to convert them into a particular form of bonds, that is, the five-twenties, was denied; still, they were converted at par into seven and three-tenths Treasury notes, into ten-forty gold bonds, and with every form of security except only the five-twenties. So that, although we repealed the technical right to convert after a given time those notes into one class of bonds, we never did deny in practice the right to convert them into some form of interest-bearing security.

After the passage of the act of March 3, 1863, Secretary Chase believed that he could negotiate a ten-forty loan, and he tried to do it. One hundred million dollars were taken, and they

were taken by the conversion of these notes, which were received at par. Afterward we issued \$830,000,000 of three-year Treasury notes, bearing 7.3 per cent. currency interest, and, when due, convertible into 6 per cent. bonds; and they were sold at par in greenbacks. So that, although the legal privilege of the noteholder to convert was taken away, yet in fact his right to convert existed, except as to the five-twenty bonds. During the war, and up to 1866, there was no hour when any holder of greenbacks could not present them to the Treasury of the United States, or to any banker or broker, and buy some form of United States interest-bearing security at par. After the passage of this act, the five-twenties began to rise above par in currency. Then the measure of the value of the greenback was the ten-forty bond. When the government, fearing to issue a larger amount of gold-bearing bonds, again began to issue currency securities, seven and three-tenths notes, the greenbacks were received at par for them.

Now, Mr. President, I have shown that the greenbacks were based upon coin bonds; that the holders had a right to convert them into coin bonds; that that right was taken away as to the five-twenty bonds; but that, in practice and in effect, the greenback was convertible into an interest-bearing bond of the United States up to 1866, and until the passage of the law to which I will now refer.

My friend from Indiana [Mr. Morton] inquires what law is the worst of all the laws we have passed in relation to the greenback. In my judgment, more evil effects have resulted from the "act of the government" passed on the 12th of April, 1866, than from any other act that was ever passed in regard to our financial system. Indeed, it is the only one that I desire to criticise.

Mr. President, what was the condition of affairs when the war was over? We had then outstanding every form of liability. We had

six per cent. bonds; five per cent. bonds; seventy bonds; certificates of indebtedness; and two or three issues of greenback notes; we had eight or ten different forms of government securities. Then it was that Congress was called upon to make provision for funding this debt. At that time there was a large circulation; there were some forms of interest-bearing notes that were a legal tender for the principal; we had almost every class of securities. The act of the government which was the most injurious to the public credit, was an act of omission, and not an act of commission. If, in the first session of Congress during Andrew Johnson's administration we had passed a funding bill, authorizing any holder of any form of government security to convert it into a five per cent. bond, all the evils that have flowed out of our disordered currency, would have passed away; the questions that afterward were raised to endanger the public credit, never would have arisen; all this long agony of endeavoring to do what we have promised to do, and never performing it, would have been avoided. If, in December, 1865, after our soldiers had returned to their homes, and the war was over, we had authorized any holder of any form of security, greenback or bond, to convert it at his pleasure, at his will, into some proper security of the United States, say a five per cent. bond, there would have been no difficulty. The condition of the public credit, the advancing credit of the nation, the triumph of our arms, all causes co-operated; but, sir, it could not be done. At that time came up the controversy between the President of the United States and Congress, and the fierce and angry passions that it excited, the eager debates, the bitter excitement, the *quasi* civil war that existed, prevented any consideration of our finances. Efforts were made at that time to pass some proper funding bill, but it was impossible to attract public attention to it. Congress would not look at it. Finally, after a debate of not more than an hour in the Senate, and a

short debate in the House, the act of April 12, 1866, was passed, conferring upon the Secretary of the Treasury a power that was never conferred upon mortal man before. I will ask the Secretary to read this act.

The Chief Clerk read as follows:

"An act to amend an act entitled 'An act to provide ways and means to support the government,' approved March 3, 1865."

*"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,"* That the act entitled 'An act to provide ways and means to support the government,' approved March 3, 1865, shall be extended and construed to authorize the Secretary of the Treasury, at his discretion, to receive any Treasury notes, or other obligations, issued under any act of Congress, whether bearing interest or not, in exchange for any description of bonds, authorized by the act to which this is an amendment; and also to dispose of any description of bonds authorized by said act, either in the United States or elsewhere, to such an amount, in such manner, and at such rates as he may think advisable, for lawful money of the United States, or for any Treasury notes, certificates of indebtedness, or certificates of deposit, or other representatives of value, which have been, or which may be, issued under any act of Congress, the proceeds thereof to be used only for retiring Treasury notes, or other obligations issued under any act of Congress; but nothing herein contained shall be construed to authorize any increase of the public debt: *Provided*, That of United States notes, not more than \$10,000,000 may be retired and canceled within six months from the passage of this act, and, thereafter, not more than \$4,000,000 in any one month. *And provided further*, That the act to which this is an amendment, shall continue in full force in all its provisions, except as modified by this act.

"SEC. 2. *And be it further enacted*, That the Secretary of the Treasury shall report to Congress, at the commencement of the next session, the amount of exchanges made, or money borrowed under this act, and of whom, and on what terms; and also the amount and character of indebtedness retired under this act, and the act to which this is an amendment, with a detailed statement of the expense of making such loans and exchanges."

Under the enormous powers conferred by this act, the Secretary of the Treasury, Mr. McCulloch, adopted what is called the contraction policy; that is, he authorized the funding of all forms of interest-bearing securities into six per cent. gold bonds of the United States, while he proposed to raise the greenback up to par in gold, by contracting it, by gradual stages, limited by the law. This act, and the very first thing done under it, separated forever the gold bonds

of the United States, from the legal tenders, and abandoned all idea of the power, the right, and the practice, to convert the greenback into a bond. I remember that the honorable Senator from Michigan [Mr. Chandler] and I tried hard to prevent the passage of this law, and to attract public attention to it, but we could not. Everybody was then fighting Andrew Johnson. And so, sir, the law was passed after a brief debate, and all this enormous power was conferred upon the Secretary of the Treasury. The law did not even stipulate what the bond to be issued should be, whether it should be a forty, or twenty year bond, or whether it should run five years. The only limitation was, that the rate of interest on the gold bond, should not be over six per cent., but no duration as to time was prescribed. Under that act, the Secretary funded the Treasury notes, and all the various forms of interest-bearing notes into six per cent. bonds, swelling the amount of our six per cent. indebtedness, from about \$700,000,000, to about \$1,600,000,000. All the Treasury notes payable in currency, were converted into six per cent. gold bonds, and the money of the people, the greenbacks, were left to be canceled and retired, under the last clause of the act, which authorized the Secretary to cancel \$10,000,000 by a certain time, and \$4,000,000 in each month afterward. Thus, the bondholder was provided for, and the noteholder was left without any legal right, except a naked promise to pay in the indefinite future.

If this act had contained a simple provision, restoring to the holder of the greenback the right to convert his note into bonds, there would have been no trouble. Why should it not have been done? Simply because the then Secretary of the Treasury believed that the only way to advance the greenbacks, was by reducing the amount of them; that the only way to get back to specie payments, was by the system of contraction. If the legal tender notes could have been wedded to any form of gold bond, by be-

ing made convertible into it, they would have been lifted by the gradual advance of our public credit to par in gold, leaving the question of contraction to depend upon the amount of notes needed for currency. Sir, it was the separation of our greenbacks from the funding system, that created the difficulty we have upon our hands to-day; and I say now, that, in my judgment, the only true way to approach specie payments, is to restore this principle, and give to the holder of the greenback, who is your creditor, the same right that you give to any other creditor. If he has a note which you promised to pay, and cannot, and he desires to secure interest on that note by surrendering it for an interest-bearing security, why should you not give him the privilege? No man can answer that. It is just as much a debt as any other portion of the debt of the United States.

I have always insisted that it was the duty of the government to redeem this broken promise, by making the note equal to par in gold, before attempting to force it on anybody in payment of a bond. We have no right to compel any holder of a bond, to take a greenback in payment of his bond until we comply with that obligation which we assumed, long, long ago, to make it equal to par in gold. Then it would be a matter of indifference whether a greenback or gold was paid. But, sir, it was the act of March 18, 1869, that settled all this controversy about the obligation of the government to the holders of the greenback and the bond.

By the act of 1866, \$10,000,000 of greenbacks were to be retired in six months, and canceled, and \$4,000,000 every month thereafter. Such progress was made under the operation of the act that within less than two years \$44,000,000 of these notes had been retired and canceled in pursuance of the contraction policy.

The act was then suspended; and the Secretary could not cancel any more notes after the passage of the act of 1868. But, I ask, whether that revives into life and being the \$44,000,000

that were retired and canceled under the law?

To the suspension act I heartily assented. I do not doubt at all that the policy of getting to specie payments by a contraction of the currency in the way proposed, was a very unwise one. I aided in the repeal of the act of 1868. But that is not the point. When in 1869 we pledged the public faith to redeem our outstanding paper in coin, the only amount that then legally existed, or which there was any authority to issue, was the \$356,000,000, to which amount, by the policy of the law of 1866, the currency had been reduced when that reduction was suspended. The argument I make is, that when we made the pledge of the public faith to redeem our notes in coin, the only currency that was legally outstanding was the \$356,000,000. All above that had been retired and canceled. If there are any words in our language that express the destruction, the annihilation, the non-existence of anything, the words "retired and canceled" do. They are the very same words that are used in regard to the cancellation of all our bonds. There have been \$3,000,000,000 of the bonds in various forms "retired and canceled." Is there any power to re-issue them? None at all.

The claim of the Secretary of the Treasury that he had the power to issue them, was submitted to Congress, and neither House of Congress negatived by a vote the assertion of the power; and therefore, it may be said with great propriety, and I freely accord, that, under the circumstances following the decision of the Department, the present Secretary might be justified in issuing them; but the argument I am making to-day is not to arraign the Secretary, not to find fault with him. In the written report, made by the Committee on Finance on this subject, we expressly relieved the Secretary of the Treasury from all fault in the matter, and submitted the matter to Congress. I say that Congress, by its silent acquiescence, now daily permits the violation of the only act that

looked to the advance of greenbacks to par with gold. The Secretary of the Treasury submitted to us the claim that he has asserted and exercised, and it has never been denied by Congress, or by either House of Congress, and, therefore, I do not find fault with him; but I say, that Congress does permit this act, which, in my judgment, is a violation of law and an exercise of authority not delegated to the Secretary of the Treasury, to go on, and we are now daily living upon notes issued without authority of law.

Mr. President, I have gone into argument to show first, that we are bound by the obligation that we assumed on the 18th of March, 1869, to resume specie payments, or to do something to advance our notes to the par of gold. I have endeavored to show that such was the legal and established policy of the government when the notes were first issued. Now, I have only to say, very briefly, that there are various modes, to none of which do I intend to commit myself until the whole subject is finally discussed, by which this can easily be accomplished. There are three modes that have been proposed in debate in the Senate, and a multitude come to us from the people, but I will group them into three classes.

There is, first, the proposition to accommodate gold in the Treasury, with a view to the actual redemption of our notes in coin. This is supported by two bills now before the committee; one introduced by the Senator from Vermont [Mr. Morrill] and the other by the Senator from New Jersey [Mr. Frelinghuysen]. What are the objections to this plan? They seem to me to be these: In the first place any attempt to accumulate large masses of gold in the Treasury, lying idle to await some future event not fixed by act of Congress, would not be a wise use of the public moneys. In the next place, I entirely object to conferring upon the Secretary of the Treasury the power of issuing one hundred millions or any less sum of 6 per cent.

bonds with a view of buying gold to hoard in the Treasury to maintain resumption. I believe that it is impossible, in the very nature of things, to maintain the resumption of specie payments at all times and under all circumstances; and if anything has been established by modern experience, it is that all a nation that issues paper money can do is to maintain it at a specie standard in ordinary times; but, in times of panic, such as by periodical revulsions come over every country, specie payments cannot be maintained. They can scarcely be maintained in England, and are not now maintained in France, though they are approached. Therefore, every plan for specie payments ought to have some provision for the temporary suspension of such payments, or to provide some means by which, in times of great panic and financial distress, there may be a temporary departure from the specie standard. I say this, not that it ought to be so, but simply because it is a matter of experience demonstrated by the history of almost all the commercial nations of Europe.

The second plan is the actual payment and cancellation of the United States notes; in other words, the plan of contraction. In the first place, this plan, while it operates, does so with such severity as, in a popular government like ours, to cause its suspension and repeal. Undoubtedly, the most certain way to reach specie payments is by retiring the notes that are dishonored, paying them off, and taking them out of circulation. But the trouble is, the process of contraction is itself so severe upon the ordinary current business of the country that the people will not stand it; and in this country the people rule. The policy of Mr. McCulloch, already commented upon, if it had been continued further, would have undoubtedly brought us to a specie standard; but, with great distress, great impoverishment, and with more difficulty than was really necessary to accomplish the object.

These are the difficulties that occur to me as against these two policies.

There is a third plan. This plan, which in my judgment presents the easiest and best mode of attaining specie payments, is to choose some bond of the United States, which in ordinary times, by current quotations, is shown to be worth par in gold in the money markets of the world, where specie is alone the standard of value, and authorize the conversion of notes into it.

I do not intend to consume much time in the discussion of these different plans, because they are all open for debate, and I do not intend to commit myself. I have no pride of opinion as to modes, if I can secure the substance. I want to get at some measure which, without contraction, without undue distress, will make us redeem our promise. This mode of reaching the specie standard was reported favorably by the Committee on Finance at the last session. I will glance at the results which would have been accomplished by that plan in the present condition of our money market. I am speaking here now, on the 16th day of January, 1874, after the time when, by the bill reported at the last session, United States notes would have been converted into coin or bonds at the option of the United States. This would not to-day have produced absolute payment of the notes in coin, but their value would have advanced to the value of the five per cent. bond. Things equal to the same thing are equal to each other. Five per cent. gold bonds this day, in the midst of the panic, are worth ninety-nine and a half cents; so that the United States notes would be this day practically at par in gold, having just about the same depreciation as now exists in France, where the law of convertibility has always been maintained. In France, with a large circulation, the currency may be used the same as gold to pay for any form of debt, or to the government, even when in the form of duties.

I have no doubt that it would greatly advance our greenbacks if they were allowed to be received at the custom house for duties. But, by the act of the 25th of February, 1862, which authorized the issue of both bonds and greenbacks, it was expressly stipulated that the greenbacks should not be receivable for custom duties, but that the custom duties should be paid in coin, and that the coin should be specially pledged and set apart as a fund, first to pay the interest, and then the principal, of the debt. There is the difficulty. If we were now to legislate without any law upon the statute-book, I certainly should not pass an act that would require us to refuse the notes of the United States for the taxes payable to the United States; but we are crippled by the operation of a law which we cannot repeal without violating the public faith.

Now, sir, taking the case again of the existence of some convertible provisions such as that I referred to in the bill of last year, at this day the notes, instead of being hoarded, would to some extent have floated into the Treasury for five per cent. bonds; they would be paid out for current expenses, and in the purchase or redemption of five-twenties at a discount of one-half of one per cent. It is sometimes said that these notes would flow in unmeasured amounts for five per cent. bonds. Why, sir, how many would be withdrawn from the volume of the currency before they would be equal to the five per cent. bonds now at or near par in gold? But, suppose they should flow in to the extent of fifty or one hundred millions, cannot the government of the United States use them? First, we have to pay our current expenses, which are now more than our income. Instead of consuming the fifty-four million reserve, we could use, to pay the current expenses, some of the notes which would come into the Treasury for bonds; and we could use all of them in the purchase and redemption of the six per cent. bonds of the United States. There would be no prac-



tical difficulty in using all the currency that might flow into the Treasury in the payment and liquidation at a slight sacrifice of a debt now bearing six per cent. interest. That operation might go on until \$1,200,000,000 were paid, because every dollar of the five-twenty bonds is now due and payable at our pleasure in coin.

Sir, the Secretary of the Treasury has for years pursued the policy of buying bonds in greenbacks. He has paid ten per cent. premium, because he could not get them for less. And suppose our notes were advanced to near the par of gold by being made convertible into a five per cent. bond, the value of which is fixed in foreign countries, he might then use the greenbacks that would flow into the Treasury to pay the six per cent. bonds, by paying the difference between notes and gold. What premium would he have to pay? One-half of one per cent. This operation of funding the new five per cents. is going on now at an expense of nearly two per cent. to the government. First, the law allows one-half per cent. for expenses, and then a certain credit or delay in payment is given to the syndicate of bankers who negotiate the exchange. This is equivalent to one and one-half per cent., so that we are now carrying on this funding system at an expense of at least two per cent. Sir, the practical operation of a law permitting the conversion of notes into bonds, would not only advance our notes to near par in gold, but would enable us to reduce the interest on the whole mass of six per cent. bonds of the United States to five per cent., thus saving \$12,000,000 per annum, or several times the amount of interest we would pay on the bonds given for notes permanently retired.

Now, sir, I will not go into the details of the other provisions of that bill, which was intended to supply any want of currency felt at the time. That bill provided for free banking, and for a relief from the reserve required to be maintained by the banks as a security for their notes. Sir, if you take the actual facts as they

have now developed themselves, and apply the principles contained in the bill of the last session, it would have answered by its actual workings all the objections that were made to it, and I defy Senators to criticise it. But, sir, the time will come, when, whatever plan may be brought before the Senate, will be subjected to amendment and criticism. We are not now considering any plan, but only whether we recognize our obligation, now at this session, to do some definite act to redeem our broken promises. If you will, you can find a way.

Mr. President, there are some objections of a popular character made to specie payments, which I think I ought to answer. In a popular government like ours even an unfounded fear ought not to go unheeded. Warnings are uttered; a great alarm is raised about every measure that tends toward specie payments. Let us examine some of these popular objections.

The first objection (and it is the only one well taken) is, that specie resumption will be burdensome to debtors. Undoubtedly, if you enlarge the standard in which a man's debt is to be paid, you add to the burden of that debt. We are now dealing on a standard about eleven per cent. below the specie standard; and if, by some sudden act of Congress, a debtor should be required to pay in a standard worth eleven per cent. more than the present, it would be burdensome to him. Therefore, and for this reason only, it is necessary to make the advance slowly; and I for one, would not desire to see any sudden resumption, because it would be injurious to a class of business men who are now more or less in debt. This injury is greatly exaggerated, for almost every debtor is a creditor, and therefore, while he loses on the one hand, he gains on the other. Debts are now less than they were a short time ago. The recent panic swept away a great many of them. Most of those which remain are being settled on the present basis, so that never was there a time when an act looking to a change of the

standard of values, could be made better than now. There are fewer contracts to be settled upon the old standard. If the time for making this change of standard is postponed for a short time, say a year, all the debts contracted on the present basis will be settled.

This is not the first time we have changed the standard. We did it in 1834; and we have changed the value of our gold coin twice within my recollection. We have changed the value of silver two or three times. The monthly fluctuations that sometimes occur in the city of New York are greater than the entire difference between our paper money and gold now. The people are used to these. Sir, you live in a State whose chief production is now, or was, wheat. You have seen the price of wheat jump up from fifty cents to a dollar a bushel, and go down from a dollar to fifty cents again—a fluctuation of 100 per cent. These fluctuations are unavoidable; but any change which affects the standard of all values, ought to be made carefully and slowly. Here, Senators, is the only difficulty in this whole problem. When we made our notes a legal tender, when we repealed the convertibility clause, when we took away their value, and let them depreciate to thirty-five per cent., we did great injustice to creditors. We did it because we were compelled to do it. All the Senators around me admit that at some time we must come to a specie standard. When can we do it more easily, when can we do it better? Will you flood the country with more irredeemable paper money, sink again the standard of value, make the depreciation greater than it was when General Grant was elected, thirty or forty per cent., and then resume? How foolish! how idle! The moment when we approach the specie standard nearest by natural causes, that is the happy moment to complete the cycle, to restore us to the old and true foundation.

The next objection is, that the United States will have to pay interest on a portion of its debt,

which now bears no interest. I have heard that argument made, I think, by my friend from Indiana. He has said, "You would make us pay interest on our greenbacks; they will be converted into interest-bearing bonds." Why should we not pay interest on our debt that is due? Why should the people of the United States have a forced loan, which they require everybody to take, debtor and creditor, without interest? Why should they not pay interest on it? If these notes are idle in the hands of the people, and there is no opportunity for investment, why should we not pay interest, while the people do not want to use them? It is perfectly obvious that the strongest considerations of equity demand that when anybody has our note not bearing interest, and has no immediate use for it, but prefers to put it on interest, we are bound either to pay him, as we agreed to pay him, in coin, or to give him something that will bear interest, and will be as near as practicable to a specie standard. Therefore, this fear of increasing our interest-paying debt does not disturb me. We have in the last five years paid off four hundred millions of bonds, and have saved interest to the amount of \$30,000,000. No one has claimed that the interest on the debt of the United States would be increased by this system, more than two or three millions. Why should we not do it? Why should not the people who hold the greenbacks have the privilege that is extended to other creditors?

A third objection made, I think, by my colleague who is not now in his seat [Mr. Thurman], was, that the United States notes would be retired from circulation, and give place to bank notes, and he has a great prejudice against bank notes. I am not much of a bankman myself. I would not care if there were only one form of circulation in this country, and that a United States note, convertible at the pleasure of the holder, into a proper bond, or into coin. But the national banks sprang out of the necessities of the war. We could not absorb the

State banks, and get rid of the horde of irresponsible banks, issuing inconvertible and irredeemable paper all over this country, except by allowing them to be organized into national banks. We cannot get rid of them now. That was the only way in which they could be dealt with. They disturbed, during the war, our whole system; but now, that the present banking system is so much better than the old, the currency so good, so well-secured, of such universal circulation, and everywhere at par with greenbacks, nobody would propose to go back to the old system.

Mr. President, as these banks are compelled to redeem their notes in greenbacks, as they are bound to maintain in their vaults a reserve of greenbacks, and as every prudent banker will maintain this reserve in greenbacks, there is no danger that the United States notes will be driven from circulation to give place to bank notes, to any considerable amount. The provision for the redemption of United States notes, is applicable also to national bank notes. If the United States redeems its notes in coin, the banks must redeem theirs in coin. If the United States notes are redeemed in United States bonds, the banks are compelled to redeem their notes in the same way. The very moment that a bank note fell below the value, the purchasing power, the convertible power of the United States note, it would be returned first to the banks, and in case of its failure to pay, then to the Treasury of the United States, and there, with the bonds in the Treasury, or with the proceeds of them, the Treasurer would pay them dollar for dollar. So that the same plan of redemption that we now propose to apply to United States notes, is applicable by existing law to the bank notes; and hence the theory, that this plan will tend to drive out the United States notes, and give place to bank notes, is utterly false. The same obligation to redeem its notes which now rests on the United States, will then rest on the banks; and, as I said a

moment ago, you are now dealing with institutions that are amply able to redeem their notes. Whether any of them have in the speculations of the past, impaired their capital or not, is a matter of perfect indifference to the people of the United States, so long as the notes are secure. You can present no plan of redemption which the banks are not able at this moment promptly to comply with. If your law requiring the banks to redeem, either in coin or in bonds of the United States, should take effect, every bank has these bonds, and 10 per cent. over. Therefore, this plan of redemption applies not only to the United States notes, but to the banks under existing law; and it is not necessary even to change the law to make it more rigorous or direct.

Sir, the last objection to this plan is, that it will contract the currency. That is the image of alarm that came to us from the experiment—as I thought, the bad experiment—of 1866. My honorable friend from Indiana seemed to think it was some terrible thing. The people are afraid of contraction. I do not want to contract the currency. But what is contraction? Is it to fulfill an obligation to pay a note when it is due; to pay in coin when you have promised to pay in coin? I do not think that is contraction. I honestly believe, that, if there were now agreed upon a plan of redemption, by which notes could be converted into coin or bonds, at the pleasure of the holder, and all restrictions upon the volume of the circulation were repealed, the amount of currency thus raised to par with gold would be greater than it is at present, and its purchasing power would be 11 per cent. more. The people, in the Western States especially, have been very fearful on this point, although they are now getting bravely over their fears. Look at the reports of their chambers of commerce, their boards of trade; see the intelligent opinion that comes up from the Western States. The people of the West were terribly alarmed about contraction of

the currency, but they begin to understand it. The laboring man who is paid off in a greenback, begins to desire that that greenback may buy as much food and clothing and produce as the best dollar ever coined by the mint. He begins to understand that he receives that for his daily labor, which will not purchase for him the supplies that gold would. The farmer, also, who sells his produce mostly to a foreign market, finds that, under this system, when he is paid in greenbacks, he has to pay greenback prices for his purchases, while his commodities are settled for by the gold standard.

And, sir, I can here show by the actual returns compiled by Mr. Young, of the Statistical Bureau of the Treasury Department, that, although the price of greenbacks fluctuates, as compared with the gold standard, yet the articles which the farmer sells depend almost entirely on the gold price, and their price is fixed by the gold standard. Wherever he sells his surplus products, the ruling price in the foreign market fixes the price of his commodities here. The price of the farmer's produce is fixed by the gold standard, and was during all the war, and is to-day, and will be to-morrow. His price is controlled by the gold standard, while the price of all he buys is fixed by the currency standard.

The people are beginning to understand that, and when they find out that "contraction," with all its terrors, means good money, convertible money, greenbacks convertible into gold, they will sound hallelujahs in favor of that kind of money. They now feel that the greenback money is a good money, as my friend from Indiana says, the best money that was ever devised by man. In many of its properties it is good money; it is of universal circulation, universal credit; it has a recognized value, determined daily by the quotation in New York; it passes readily from hand to hand. It is much better than the money of the old system. There is only one thing necessary to crown the perfect work of this money, and make it the best in the

world, and that is, to make it equal to what it promises to pay. Then you will have good money, based upon the public credit, a note of the United States, not dishonored, whose purchasing power is as great as the best gold that was ever coined by any mint, or ever mined in Peru, or Australia, or America; a money which will enter the markets of the world, and buy its face value in the products of the world; a money which, if convertible into coin, will travel, like the Bank of England note, all around the world, buying in every mart, and every community, the productions of every clime. Sir, this is what we aim at, this is what we desire; and, when the people begin to understand this question, and see that this cry about contracting the currency means nothing but an effort to stave off that which will inevitably come, which we have promised shall come, namely, a specie standard, they will then silence the demagogical clamor of the hour.

If, a year or two ago, before this panic, you had convened your chambers of commerce, and boards of trade, and representative business men of the country, and submitted to them any proposition which looked to the advancement of the greenback to the standard of gold, they would have passed resolutions without number against it. But now they are all passing resolutions for it. Almost every one of them is opposing any increase of the paper money of the country. These documents in favor of specie payments, from representative men, could not have come here a year ago, led off by the great petition from the Chamber of Commerce of New York, presented a month ago. Sir, the people will soon reply to these popular objections.

We have had a great deal of talk here about the amount of currency we ought to have, and Senators have computed how much currency is required for each inhabitant, how much for every man, woman, and colored baby, how much for every child, how much for every

bushel of wheat. They figure it out in some way, that France and England have more currency than we, and that, as no nation ought to have more of a good thing than the United States, we should have all that any other country has! That is the argument. They say, "We want more money." Well, in the sense in which money means capital, I think we all want more money. In the sense in which money is used as a mere medium of exchange to measure value, to pass from hand to hand, to facilitate commercial transactions, the only test and measure of the amount necessary is the amount which can be maintained at the specie standard; no other. You might as well say that a yard is not thirty-six inches long, and economize by using one thirty inches long; what would be the effect of it? It would take more yards of cloth to make a coat; but the coat would not cost any less. The amount of currency in Great Britain, in Bank of England notes, is £25,162,000; in notes of other banks of England, Ireland, and Scotland, £18,226,000; making a total of £43,388,000, or, in dollars, \$216,940,000 of paper money, as good as gold. That is enough to carry on all the business transactions of Great Britain.

But, my friend from Indiana says, Great Britain is a small country compared to the United States; it does not cover as many arid plains and deserts as the United States; it has not the area or the population of the United States. Sir, area and population are not the things that demand currency; it is business, wealth, production; and, although I wish it were otherwise, we cannot, as yet, compare with the wealth or commerce of Great Britain.

The Senator from Indiana says that \$216,940,000 is only one form of money in Great Britain. So it is; but it is the amount of paper money that it undertakes to maintain at par in gold. A wise nation like Great Britain, with ample experience in all financial questions, which have been managed with great skill, and

where more time is devoted to them in Parliament than in Congress here, has decided that it is not wise ever to attempt to circulate more paper money than can at all times be maintained at par in gold. It prohibits by law the issue of any more paper money. No new stock banks are organized, and the Bank of England cannot issue one pound of paper money more than £15,000,000, the amount fixed by law thirty years ago, and such additional amount as is covered by actual gold in hand. Every dollar is secured by government securities, or gold on hand.

Senators say that the Bank of England can issue in times of panic more than the amount allowed. It has done so at three exceptional periods of distress. But this did not cause a suspension of specie payments. When the Bank of England note is issued in excess of the legal limit, it is done by order of the ministry, at their hazard, just as they would do any other unlawful act for the public safety. So careful are they, that the amount is limited, say to £2,000,000, or \$10,000,000; securities are required, and the profit of the issue goes to the government. The amount of notes issued by the Bank of England in excess of the legal limit was never more than £2,000,000 sterling, and in one case no notes were issued. The authority to issue arrested the panic. The issue when made was withdrawn, and the old limit restored within sixty days. We in this country have increased our paper money in five years more than \$80,000,000, and the Secretary of the Treasury during and since the panic has issued new paper money in volume fourfold the aggregate of temporary issues by the Bank of England since Peel's act of 1844.

But the Senator from Indiana says that Great Britain has coin. So it has, and the reason why it has coin is, that it has a use for it. So, if we were at the specie standard, coin made in our own country of the gold mined here would be kept here. It would have some useful employ-

thirty-two millions; while we have of inconvertible paper money, \$770,000,000. Why, therefore, say that we have less money than England? Sir, we have more *per capita*.

There is also a large part of this country, the Pacific coast, where the currency is gold; so that, that which is merchandise simply in the Atlantic States is currency on the Pacific coast; and in the city of New York and other ports of the Atlantic States a large amount of the business of merchants is transacted upon a gold basis, and in gold alone.

I have no doubt that the money now in circulation in this country is greater *per capita* than in any nation in Europe.

It is true, there is a considerable amount held by the banks as reserve. Much of that is, however, in the form of credits by deposit banks. But in England, the Bank of England holds, and is compelled to hold, a large portion of the gold in England as a reserve. Every bank has to have a reserve. So with the Bank of France. There is a much larger percentage of reserve held in the Bank of France now, than is held by the banks of the United States. Their reserve, if I remember aright, is about 30 per cent., whereas, our banks average less than 20 per cent., and much of this is in credits. The Bank of England reserve is greater than ours, and Bastiat has written a book to show that it is too small.

As a matter of course, if you go into all the details about reserve, you could never get the precise results. The truth is, there is no mode of testing how much money is needed to do the business of a country, except that amount which can be maintained at par in gold. The very fact that our money is depreciated 11 per cent. is as conclusive as any sum in arithmetic can be, that you have more money than can be maintained at the proper legal standard. You cannot get around that. There is but one standard, and every addition to the volume that cannot be maintained at that standard, furnishes

conclusive evidence that there is too much money of that kind afloat.

My own impression is, that a reduction in the volume of greenbacks of 10 per cent., the amount of their depreciation, would give additional value to the greenback, so that people can use it as gold, so that it will be equivalent to gold, and then the gold itself will become a part of the currency. It is probable the full amount of the present issue of legal tenders can be maintained if you will only give it an equal value with gold. When you make your paper money equal to gold, it floats with gold, and fills the channels of trade. In my deliberate judgment, in this country of broad extent, as my friend says, of varied populations, a larger amount of currency could be maintained at par in gold than the actual currency now in use. I have some statistics here; but I am too weary to go into them, which show what amount of currency we maintained at par in gold before the war, and by a comparison of our condition then and now, I could estimate what amount can be maintained. But, sir, the only standard, the only rule, by which we can judge of the amount of paper money is that quantity which can be maintained at par in gold. If you declare illegal and invalid this standard, no man can tell how much circulation is needed. The only way is to test it by the barometer of New York. This is as sure a test as the instruments here around the Senate chamber are tests of the heat of this room.

There is another class of measures now pending, on which I wish to make a few remarks, and they are the propositions to inflate the currency still more. The process of inflation is now going on daily while we are debating. This surely ought to be stopped. This issue of the forty-four millions ought to be suspended at once. The payment of this money ought to be arrested, and some other provision made to pay the ordinary expenses of the government. The plan that I suggested a moment ago would do

it, by authorizing the funding of notes into bonds. But there are other propositions. The Senator from Michigan proposes to issue \$100,000,000 additional currency, to require the system of banks now organized throughout the country to retire their circulation, and to issue an amount of greenbacks equal to the whole, aggregating \$800,000,000, and this, I suppose, in addition to the fractional currency; in other words, an increase of currency, including the forty-four million reserve, of about \$100,000,000. Will not the immediate effect of that increase be to depreciate that which is already outstanding?

There is no doubt about it. Every addition to the currency does it. If I wanted to teach my friend this plain lesson in political economy, I should have to read to him from the school-books used in every college, down to the last work on political economy. It is an axiom of political economy, which lies at its very ground-works and foundation, and is repeated by every author that ever wrote upon the subject. It is as necessary a consequence as that water will seek its own level. Any increase of paper currency tends to impair its value when it is once depreciated.

After the passage of the act authorizing this increase, the price of gold steadily advanced, and again commenced to decline. As a matter of course, if we could once fix the amount, we could no doubt come to it in time; but what assurance have we that, after you have issued \$100,000,000, and gold goes up to 133, as it will, and then, after the power of inflation has exhausted itself, gold commences to go down, my honorable friend from Michigan, or some successor of his, will not come here and demand another inflation, and then say that the inflation will not, at the end of four years, increase the price of gold?

There is no mode for accounting for the fact that the value of our greenback has not advanced one single step for four years, except that you

have increased the volume of paper, and have taken no steps whatever to advance its value. As a matter of course, if you would maintain the paper money at a certain rate for one hundred years, till our country should contain three hundred millions of people, it would all be as good as gold; but, if the Senate should follow the lead of my honorable friend, and dilute the currency by pouring water into the elements that now compose it, it would undoubtedly depreciate.

Senators, we have now arrived at a stage of our history where, if we will obey the law and keep the public faith, we shall surely come to that safety and prosperity which rest upon the universal standard of value—when industry will be rewarded, and not cheated by the depreciation of public money. If, on the other hand, you will enter again into a depreciation of your paper money, adopting the cry of expansion, "more money," you will surely travel a road that many nations have traveled before, and which leads to bankruptcy and repudiation.

The Senator from Indiana says that the issue of paper money under the law of 1870, which conferred the authority to charter new banks, was not expansion, because, by the same law, the three per cents. were retired. He construes, therefore, the law of 1870 as not inflating the currency at all. My friend from Michigan, I understand, regards it as expansion to the full amount of notes issued. I hope they will settle it between them.

There is another view I wish to take of this plan of expansion. If you issue the proposed three sixty-five convertible bonds, what will they be worth? I see here some New York bankers. They have computed the value of these bonds before they are issued. A five per cent. bond is now practically at par in gold. If a five per cent. bond is at par in gold, what will a three sixty-five gold bond be worth? Senators can answer that quickly, because there is a reduction in value of one-third to start with. If

a five per cent. gold bond is only worth par, a three sixty-five gold bond would be worth only two-thirds of par. Then, if a three sixty-five gold bond is worth sixty-six cents on the dollar, what will a three sixty-five convertible paper bond be worth? That query will be put to every broker and banker in New York, the moment you authorize such a bond to be issued. They will measure your device by the gold standard before you issue it. They will quote a bond convertible and reconvertible into irredeemable paper money at its value in gold.

But there is one other reason why all these schemes for more paper money ought not even to be debated here. An increase of paper money beyond four hundred millions would be a clear and palpable violation of the public faith. In the darkest hours of the war, when every patriot trembled, when our fate hung in the balance, when our armies were before Richmond, and on the march through Georgia to the sea, when everybody felt that the danger from inconvertible paper money was likely to strike us from the list of nations, when our paper money then outstanding had fallen, so that it took \$2.80 to buy one dollar in gold, then it was that we entered into a stipulation with the public creditor, which is a part of the act of 1864, under which we borrowed money, and pledged the public faith. It was a solemn promise, that, under no circumstances, would we issue more than four hundred millions of paper money, and an additional reserve of fifty million dollars pledged to pay a debt then existing, and which has since been paid.

It is suggested that this pledge was made under duress. No, Mr. President; the United States was never under duress except from the rebellion in the Southern States. Then we gave our sacred pledge to the men who loaned us money, to the capitalists, to the laborers, to the servants, to the women, to the children; yea, Senators, in every part of this broad land, in every county and every town, in every vil-

lage and every hamlet, men, women, and children poured their little earnings into the stream that flowed into the national Treasury in the summer of 1864; and every dollar of the loan then made, was made upon the faith of the sacred obligation of the United States, that our paper money should never exceed \$400,000,000.

Sir, I trust in God, the day will never come when we shall violate that pledge, until we make those promises equal to par in gold. I will not acknowledge with my friend from Rhode Island, that we were under duress. Certainly we were not under duress from the men, women, and children who lent us money. They gave us the means by which we put down the people who were in arms against our government, and, so help me God, I never will violate the faith pledged to them. The act of 1864 is known to every Senator. I will not read it. It is as plain, and strong, and clear, as language could make it.

But, sir, we are told that, to issue these three sixty-five bonds, convertible into paper money, will lower the rate of interest; and my friend from Indiana, with that happy faculty which he has of avoiding difficulties, asks when you have a great deal of money, and issue more, does not that cheapen it? Is not the right way to cheapen money to issue more of it? If you had a great abundance of any commodity to sell, would it not be cheaper? That is the argument. Well, sir, it will cheapen money to issue more. It will cheapen money as tested by the gold standard, and brokers will tell you every day, how much it cheapens it. But, whom will it benefit to cheapen money? It will aid a man to pay more cheaply a debt contracted upon a different basis, and to that extent, will cheat the creditor; but it will not cheapen supplies, provisions, clothing, food. It may cheat the laboring man; for the laboring man may think it is the same money. He may take his two dollars a day, just as he did before; but when he goes to spend those two dollars for the food



that supplies his life, or for the clothing that comforts his children, he will find that somebody else besides the capitalist is cheated, and that he is the one. Every device to relieve needy men in distress, or in debt, that will depreciate the currency, adds to the daily toil of the laboring man, and to the cost of food and clothing. Why, sir, Mr. Webster never uttered a grander truth in his life, than that famous passage, which I have almost forgotten, but the substance of which is, that the best way to enrich the rich man's field by the sweat of the poor man's brow, is by the use of inconvertible paper money. No truth was ever more forcibly uttered.

But, they tell us that it will lessen the rate of interest. Let us see. This is a matter of experience. We have had a slight experience in this country, and we have had the experience of other countries, and the fact is just the reverse—the more money is depreciated, the higher is the rate of interest. I have some knowledge of this, by my own experience. I remember the panics that have occurred in this country since 1837. I recall to the recollection of my friend from Iowa, what took place in his own State in 1857. I was in that beautiful State in the spring of that year. The people were rich, abounding in riches, fanciful riches; money was plenty. One man had made a profit of 100 per cent. on a piece of land that he had never seen, and had owned but three months. Another had laid out a town, and was selling lots at fabulous prices. Everybody was rich; paper money was abundant—wild-cat paper money; all kinds of money. Good money was there, too, gold as well as paper. Interest was 40 per cent., and many told me that they could make money by borrowing at 40 per cent. They offered to give me 40 per cent. for money to buy land with, within five miles of a settlement. Everybody was rich; interest was high; times were glorious. In August, the failure of the Ohio Life Insurance and Trust Company burst the bubble. The

money that was loaned at that rate of interest, was not paid, and the men who were engaged in these visionary speculations "went up the spout," to use a common phrase. So it was in the panic of 1837. Upon this point I could read you what is said by Mr. Mill; but that is mere "platitude;" it is only the experience of the past, of men of a different day and generation. I could read you from many books. I could read you the story of the South Sea bubble, when securities went up, and interest was 100 per cent. So in all times which precede a financial panic, when people think they are prosperous, and that they are making money by marking up their goods, interest is enormously high. Sir, the experience of mankind proves that interest is higher, under a depreciated paper money, than it is under a gold standard. Is it worth while to waste more time to show the utter fallacy of the allegation that more money would cheapen interest?

But, it is said, that the recent panic was caused by the want of money, by the want of more paper money. Paper money for what? To build remote railroads, to carry out schemes for the future, to engage in speculative enterprises. The money of the country and the capital of the country were absorbed in unproductive industry. Therefore it was that the blow fell, and destroyed a great many good men. But how is it now? Why, sir, at this moment money is easier to be had in the city of New York than it has been for years by persons who are engaged in ordinary commercial business, where the circumstances that surround them inspire confidence and credit. The same money that was in circulation before the panic is in circulation now, and more, sir, this is not a currency panic. It has no connection with our currency. Such panics have occurred in Great Britain and the United States in specie-paying times. It was simply caused by unproductive investments. The currency is good, only lacking one quality to make it better. If it were as good as gold,

it would then be the best. It is well secured. Nor was it a bank panic, I will say, for the relief of my friend from Indiana; for I am glad to agree with him in one or two things. The banks have stood the panic very well. With the exception of four or five, the national banks have not failed; and not one has failed unless by a clear violation of the law of its organization. Not one that has been brought to my attention has failed, except by the use of the bank by the owners in loans and investments prohibited by the national currency act.

The suspension of payment of deposits was the result, not the cause of the panic. It was justified by the same circumstances that would authorize the increase of the amount of notes of the Bank of England in violation of law. The banks did suspend payments; and that only proved the truth of what I said awhile ago, that no plan of redemption would be wise and good unless it has some provision for such panics. There must be times when banks are compelled to use their reserves and all their resources, and themselves borrow instead of lending, and provision should be made for such times. The banks did commit an act of justifiable bankruptcy when they refused to pay their depositors; but that was temporary—a bending before the storm. They rapidly gathered in their resources, as the Bank of England would, under like circumstances, calling in their loans, and denying loans to their customers, and are now in a stronger condition than ever. They now have a greater reserve than they had before the panic. Mr. President, the condition of our currency has no relation, whatever, to the panic that passed over the country.

At this time, when nearly all debts have been settled; when the panic has swept away many fortunes; when we now have all the money that was ever afloat; when confidence is restored; when the price of every commodity is advanced to the price it bore before the panic—now is the golden moment when we should take a step in

the right direction, to make our money equal to gold. I never have charged the panic upon the currency. Indeed, I was the first in the midst of the panic to declare that the currency had no connection with the panic. The money was well secured; it was good, only that it was not so good as gold. That was the only fault to be found with it. Men hoarded it. That added fuel to the fire, and fed the panic. Its origin, like that of the panic of 1866 in Great Britain, was in the absorption of capital in unproductive enterprises. The want of confidence created by the failure of great houses, gave the first alarm; then came the withdrawal of deposits, the depletion and the suspension of the banks. Then laborers began to be discharged, and productive industry stopped; but in a short time the ordinary business of the country was resumed, and people found that they were not all ruined. It was the old, old story repeated periodically, arising from different causes, but having the same history and results. These panics are but the ebb and flow of great enterprises. They start with reviving prosperity; they grow with expanding hope and energy; they culminate with enterprises too great for the time, and the blind, unreasoning fear that springs from the failure of these enterprises during the panic, does more harm and causes more destruction of values, than the injury done by failures themselves. No action of ours can prevent these panics. All we can do is to improve the opportunity offered us to place the public faith of our country on an enduring foundation.

I again appeal to the Senate to now firmly take its stand against any inflation of paper money under any circumstances, under any provocation, or on any plea. This alone will do a great good to the country. But, if it will go further—if the Senate will lead the way to some wise and practical measure, looking to a redemption of the pledged faith of the United States, the people we represent will have cause to be proud of the political body which they

long honored. I believe, sir, that no he Senate would so much inspire con- strengthen our business men, and re- industry, as by a decided vote on these ions to show that our firm purpose is to road that leads to specie payments, and d currency. have been many years here in the other

House, through long and troublesome contro- versies, during peace and war, and I for one de- sire to see the work of our generation crowned by the greatest of civic triumphs, the fulfill- ment of every promise, and to behold the na- tion free from all dishonor, its promises good, its credit untarnished, its wealth and power increas- ing and expanding.



## ALEXANDER MITCHELL.

**A**MONG the many men whom the people of Wisconsin delight to honor, irrespective of party affiliations, no name stands more prominent than that of Alexander Mitchell, of Milwaukee. Mr. Mitchell was born in Aberdeenshire, Scotland, on the 17th day of October, 1817, and is therefore sixty-six years of age. He was fortunate in securing for himself a good education while yet a citizen of his native country, and emigrated to Wisconsin at an early day, settling in Milwaukee when that city was in its infancy. Arriving in Milwaukee, he established himself in the banking business, and soon became known as a shrewd financier, and a careful student of the interests of the city of his adoption. He set himself to work with that indomitable energy which has characterized his whole life, sparing no pains nor expense to induce immigration to Milwaukee, and to encourage such enterprises as would tend to her lasting good. In his praiseworthy efforts in this direction he has succeeded most admirably, and the Cream City can to-day trace her remarkable growth and pros-

perity, and her influence in the commercial world, largely to the untiring efforts of Alexander Mitchell. That the people of that great business center appreciate his services, is shown by the fact that they have always united in elevating him to such positions as he could be induced to accept. Although a Democrat in politics, no man stands higher in the estimation of his political opponents—they share equally as well in his honors as the members of his own party.

Mr. Mitchell was elected as a Democrat to the Forty-third Congress from the Milwaukee district, and, when his term expired, he was honored with a reelection. His experience in financial matters was not long in meeting with honorable recognition at the hands of that branch of the government, and he was elected to a position on the Committee on Banking and Currency. Here, as elsewhere, the sterling qualities of the man were brought out, and his opinions and labors at that time, more perhaps than those of any other man, shaped the financial legislation which has resulted in so much good to the country.



ALEXANDER MITCHELL.

ENGRAVED FOR GRAYSON AND GRAYSON, FARMERS, PALMER & CO., PUBLISHERS.



Although most of his labor was done in the quiet seclusion of the committee-room, where oratorical display is seldom indulged in, some of his public utterances on the subject of finance deserve to rank among the best that have ever been produced.

During the session of 1874, Mr. Mitchell made a speech in the House of Representatives on Banking and Currency, which, for clearness of expression and sound logic, has never been excelled. The speech, entire, will be found in this volume.

Since leaving Congress, Mr. Mitchell has been actively at work in the interests of the Chicago, Milwaukee & St. Paul Railroad Company, of which he is

president. His labors in behalf of this giant corporation have not been without their reward; the remarkable success of the company, their five thousand miles of road, and the extent of their business, all bear witness to the energy and influence of their honored head, aided by his able corps of assistants.

Mr. Mitchell enjoys the proud distinction of being the wealthiest man in the West. He resides in a palatial residence in Milwaukee—the finest in the city—surrounded with all the luxuries of life; the result of honest endeavor, faithfulness to all trusts, and that perseverance which never fails of success. Wisconsin may justly be proud of such a representative man.



## BANKING AND CURRENCY.

*Mr. Mitchell's Speech, delivered in the House of Representatives, March 27, 1874.*

**MR. PRESIDENT:** This bill embraces several proposed amendments to the national banking law, but its most important provision is that contained in section 2, by which certain existing restrictions on bank note circulation are to be removed, and what has been termed "free banking" authorized.

Now, "free banking," and "anti-monopoly," sound well, and, as a general proposition, are of themselves good things; yet, measures of themselves good, it may not always be wise to put in operation, irrespective of time and circumstances.

Free banking might, no doubt, be safely and

properly adopted, if the circulating medium of the country were on a specie basis, and equivalent to coin; but, in the present abnormal and exceptional situation of the finance, with a currency depreciated and irredeemable, I am compelled to regard such a measure as a dangerous experiment.

It will not surely be the part of wisdom thus to surrender all control over the volume of the currency, and to open the door for new issues of depreciated paper to an indefinite and unknown extent. It is to be hoped that no such rash experiment will be tried. Let us, rather, shut the door against any addition to the currency until

we shall have dealt with, and brought to, the true standard value, the circulation we already have.

The provisions of section 3, making it obligatory on the banks to provide for the redemption of their notes, are, I am aware, considered by the friends of free banking to be sufficient to prevent excessive issues; but, from this view, entertained by a majority of my honorable colleagues on the Committee on Banking and Currency, I regret to be obliged to dissent.

We have now, or, I fear, are likely soon to have, say, four hundred millions of United States notes, or legal tenders, with which may be redeemed the present circulation of three hundred and fifty-four millions of bank notes; and I hazard nothing in saying that the issues of the banks may be doubled, and still the so-called system of redemption be, without difficulty, maintained.

It is a moderate estimate to say, that on a basis of four hundred millions of United States notes, nearly double that amount of bank note circulation may be sustained, and redemption be at the same time kept up.

The obligation to redeem, with such a basis, will count for little in the estimation of bankers, and if they do not largely increase their issues, should section 2 become a law, it will be for the reasons that government bonds cannot be obtained at satisfactory prices, or that circulation has ceased to be profitable, irrespective of redemption, and not on account of the requirement to redeem.

I will here call attention to the fact that there will be greater profit than heretofore in the issue of bank notes, if, hereafter, as provided in section 1 of the bill, no reserve is to be kept on circulation. It is true that I was myself in favor of dispensing with the reserve or circulation as an offset to, and compensation for, another, and no doubt a wise provision of the bill requiring banks to keep the reserve, or their other liabilities, in their own vaults; but, if free

banking is to be authorized, I deem it to be my duty to point out that the effect of this provision will be to make circulation more of an object with bankers than it has yet been, and that they will be apt to avail themselves of the opportunity thus presented, to increase their note circulation.

The present capital stock of the national banks is about five hundred millions; and their circulation, as before stated, three hundred and fifty-four millions. If section 2 becomes a law, there is no reason why the existing banks, on their present capital, may not issue one hundred millions additional circulation; and they will be very likely to do so if they see, as I think they will, profit in it.

If, as a basis of the calculation, we put government bonds and coin at the present market price, and the use of money at 7 per cent., the net profit on circulation under this bill will be  $2\frac{3}{4}$  per cent.; being about one per cent. more than it has hitherto been. In this calculation I make no charge for management, because the expenses properly chargeable to circulation of a bank's doings, like all national banks, a general business, would be quite infinitesimal. I take into account, however, the five per cent. in circulation, which it is proposed the banks shall lodge with the Secretary of the Treasury.

But, in truth, there has not been, and cannot be, any effective redemption of bank notes in the present condition of the currency, because there is neither object nor motive to prompt it. What does this so-called redemption of bank notes mean, and what does it amount to? It means the swapping of one kind of irredeemable paper for another kind, of no higher value; for the United States note, as a representative of value, is inferior to the bank note, and is superior in one respect only, by the force of arbitrary law, and it amounts to nothing, for the holder of a bank note, after he has taken the trouble to exchange it for a United States note, is no nearer coin value than he was before. It



is a misnomer to call this redemption, and the operation is a farce, the performance of which the business community and the public will, as now, regard with utter indifference.

I am aware that, as to the New York City banks, there are certain brief periods every year when they would prefer to have bank notes replaced by United States notes; but this is to a limited extent, and is felt nowhere out of that city, and the banks there have the remedy in their own hands, if they choose to use it.

It is my confident opinion that if section 2 becomes a law, a large addition to the bank note circulation will take place, and that any system of redemption will be powerless to prevent it; that, with whatever gravity the law may provide for going "through the motions" of so-called redemption, by exchanging one piece of depreciated paper for another of no higher representative value; nothing effective or controlling on the condition of the currency will result from it. Farther inflation and depreciation of the currency must necessarily ensue.

If the friends of this measure are willing to put it beyond question that no further inflation can occur if it is passed, this can easily be done by an amendment to the effect that, as fast as additional bank notes are issued beyond the present authorized limit, the Secretary of the Treasury shall, *pari passu*, retire and cancel legal tender notes until the coin standard is reached. With such an amendment the chief objections to the measure would be obviated; and I now give notice, that at the proper time I shall offer an amendment to section 2, of this purport.

Congress is absolutely powerless to fix the amount of circulating medium the country requires, and ought to have. It is simply the right and duty of Congress to carry us back to the coin standard; and this done, the laws of trade, to which I have before referred, will then govern with unerring accuracy the volume of the circulation, both of paper and coin.

The mode of redemption proposed in section 3 is such as I feel sure cannot be sanctioned by Congress. It is neither more nor less than to make the government the redeeming agent of the banks—a position manifestly improper for it to occupy. It was not instituted for any such purpose, and the idea of involving it in daily business transactions with nearly two thousand banks, is a curious proof of the tendency of legislation in these days. I really wonder what the government will be asked to undertake next.

Although no system of redemption would, in my opinion, present, in the existing situation, an increase of the bank note circulation if free banking is authorized, yet I admit it is, or will, I hope, soon be, an important matter that all banks should be required, in a way they cannot disregard, to redeem their notes in New York; and, if the law is not now sufficient for this purpose, it can easily be made so. Besides, the New York City banks have always had it in their power to enforce, as they at one time contemplated doing, bank note redemption there, if they deem it necessary to do so.

I am aware that some delay has occurred in executing the law of the 12th of January, 1870, for the more equitable distribution of the currency, by which law twenty-five millions of circulation were to be withdrawn from certain Eastern banks, and distributed to Western and Southern States entitled to it, and that, in consequence, honorable members from such States may feel under some degree of restraint to vote for this so-called free banking, in order to obtain relief. To such I would say that the present Congress will, no doubt, remove any technical difficulty that has hitherto stood in the way of the prompt execution of the law in question, and then place twenty-five millions of circulation within the reach of the States West and South, now deficient in their apportionment. Besides, it appears by the last annual report of the Comptroller of the Currency, dated 28th of November last, that he expected that all obsta-

cles to the due execution of the law here referred to, would be removed in three months from that time. Section 2 of this bill, therefore, is not needed as a measure of present relief to the West and South.

If the West and South have the means to establish more banks, and desire to do so, the opportunity cannot, under the existing unequal distribution of bank capital and circulation, be fairly denied them. A bank properly conducted, is a convenient and useful institution; it cannot, however, make wealth prevail where poverty does now, any more than it can put money in the pockets of those who have nothing wherewith to buy it; neither can a bank legalize the use of its circulation.

If all the national banks were located in a single State, it does not necessarily follow that the average circulation, *per capita*, actually in use by the people of that State would be greater, or even as great, as that in use in other States unbled by the existence of a single bank of issue.

The proper business of a bank is to facilitate the marketing of the products of the soil; to lend aid to the manufacturer in transferring raw into manufactured material, and to the merchant in distributing the goods so manufactured. If a bank uses its loanable means for purposes other than these, its business is illegitimate, unsafe for itself, and useless to the public.

For these reasons I cannot vote for sections 2 and 3 of the bill as they stand. The remaining sections I can willingly support, particularly section 8, wherein the first step is taken toward the retirement of the notes of the government. It is indeed a small step, but it is a step in the right direction; and the retirement of the United States notes therein contemplated, is so gradual that I cannot see how it can work to the prejudice of any meritorious industry. By this process we shall reach a specie basis long before half of the United States notes are redeemed; and, although it is too slow to prevent

the inflation of which I have spoken, in case section 2 becomes a law, it will no doubt tend to check it.

Some such action ought to have been taken long ago; for the gradual withdrawal of United States notes means a gradual return to the coin standard. No people were ever better situated for a return to the currency of the world than we have been.

Gold and silver are as much productions of our soil as our wheat and cotton. Since the war closed, over six hundred millions of specie have been drawn from our mines, yet we have miserably failed to utilize this vast product. We must fail to do so no longer.

I regard the return to a specie basis as of the most vital importance to the stability and permanent prosperity of the industrial and commercial interests of our country, and any prosperity that may result from an opposite policy, cannot but be of the most ephemeral kind.

In conclusion, let me reassert the position which I hold on this great and important issue, which is, that we should set our faces steadily and persistently toward such a reduction of our currency, as will bring it to par with gold; at the same time, let us not go into any hasty and rapid contraction. Let the reduction of the volume of our circulating medium be gradual, and it matters not how gradual we make it, we must be prepared to find that it is far from agreeable to go through the ordeal.

The man who has been living on stimulants, finds that it requires much moral courage and self-denial to return to solid food; so we must be prepared to hear a great outcry to the effect that the business of the country is being ruined; for the decline in prices, which ensue to some extent, is likely to call out vigorous protests from many quarters.

When once our currency becomes convertible into coin, that elasticity which is now so much sought after, will also be attained. Whenever our currency becomes super-abundant, then it

will be cheaper to export gold than anything else, and the surplus coin leaving this country will compel the reduction of the currency to its nominal proportions. On the other hand, when our currency is too small in quantity, we will draw coin from abroad.

During the panic through which we have just passed, coin was drawn from abroad, even when it could not be used as currency. If it could have been so used, relief would have been more speedily obtained.

Our currency, in its present depreciated state, proves a great drawback to the farmer, and all others, the price of whose productions is governed by what is exported in foreign markets. The farmer's expenses are regulated under an inflated depreciated currency, while he sells his products in the markets of the Old World, where prices are regulated by a currency at par with specie.

Our present inflated currency encourages speculation and extravagance; increases the amount of credits; unduly stimulates importations, causing an adverse state of the exchanges, and the exportation of coin; and has a tendency to feed a panic as well as to render it very serious when it occurs.

The currency of the United States was largest in 1837 and 1857, and the result was an over extension of credits, the extension of credits and the inflation of the currency acting and reacting on each other till a very wide-spread and serious financial crisis brought us back to a sound basis.

As I said, it will require some self-denial, and

real courage for our people to face a reduction of the currency, but it is much better to meet some small discomfort at present, rather than to rush on headlong to certain and very great loss at no remote future.

It would be very agreeable to expand the currency, raise prices, and sail along in our balloon through an exhilarating atmosphere for a few years; but we would, sooner or later, be brought down to solid ground by a fearful collapse. Such a result is just as sure as it is that the laws of trade, and the principles of political science are not to be trifled with, and cannot be overborne.

Let us be guided in the solution of this question solely by what we consider will be for the ultimate, permanent, and lasting good of this nation; and not merely seek to do what will please for the time, with no regard to the future consequences.

It is not more essential that the atmosphere which we breathe should be pure, than it is that the life-blood of commerce should be wholesome.

I will only add further, that the views I have now presented, while they are my own earnest convictions, are also, I believe, in substance the views of a large majority of the people I have the honor to represent on this floor. And I must take leave to deny that the industrious, intelligent people of the Northwest, whether engaged in agricultural, manufacturing or mercantile pursuits, are generally, or to any great extent, in favor of additional issues of depreciated paper.



## LUCIUS Q. C. LAMAR.

**L**UCIUS Q. C. LAMAR was born in Putnam county, Georgia, September 17, 1826. His father was a man of superior culture and ability in the legal profession of his State, and secured for his son the benefits of a thorough and liberal education.

Mr. Lamar attended Emory College at Oxford, Georgia, and graduated with highest honors in 1845. He studied law with A. H. Chappell, Macon, Georgia, and was admitted to the bar in 1847. He applied himself devotedly to the legal science, and rose rapidly to the front rank in his profession.

He settled in Mississippi in the year 1849, and served for a time as Adjunct Professor of Mathematics in the university of the State, and was assistant to Dr. A. T. Bledsoe, editor of the "Southern Review." This position he resigned in 1850, and, returning to his native State, resumed the practice of law in Covington. In 1853 he was elected to the State Legislature, but the following year removed again to Mississippi, and settled on his plantation in La Fayette county. In 1856 he was elected to rep-

resent his district in the Thirty-fifth Congress, and was re-elected to the Thirty-sixth in 1858. When his State seceded, he resigned his seat in Congress, and united his fortunes with the Confederate States. He entered the Confederate army as a lieutenant-colonel in 1861, but was soon promoted to the colonelcy of his regiment, the nineteenth.

In 1863 he was sent, by President Davis, to Russia, on diplomatic service of importance. After the war he was elected to the professorship of Political Economy and Social Science in the University of Mississippi. The year following he was transferred to the Professorship of Law. In 1872 he was elected a member of the Forty-third Congress, and in 1874 he was returned to the Forty-fourth. In 1877 he succeeded James L. Alcorn in the United States Senate.

Mr. Lamar took an advanced position as a debator and orator on his first entrance in Congress, and has always been a leader in the counsels of his party. His eulogy pronounced on Senator Sumner ranks among the finest ever delivered on the floor of the House.



LUCIUS Q. C. LAMAR

ENGRAVED FOR ORATORS AND ORATORY, FAIRBANKS, PALMER & CO., PUBLISHERS



## LIFE AND CHARACTER OF CHARLES SUMNER

*Mr. Lamar's Eulogy, delivered in the House of Representatives, April 27, 1874.*

MR. SPEAKER: In rising to second the resolution just offered, I desire to add a few remarks which have occurred to me as appropriate to the occasion. I believe that they express a sentiment which pervades the hearts of all the people whose Representatives are here assembled. Strange as, in looking back upon the past, the assertion may seem impossible, it would have been ten years ago to make it, it is not the less true that to-day Mississippi regrets the death of Charles Sumner, and sincerely unites in paying honors to his memory. Not because of the splendor of his intellect, though in him was extinguished one of the brightest of the lights which have illuminated the councils of the government for nearly a quarter of a century; not because of the high culture, the elegant scholarship, and the varied learning which revealed themselves so clearly in all his public efforts, as to justify the application to him of Johnson's felicitous expression, "He touched nothing which he did not adorn;" not this, though these are qualities by no means, it is to be feared, so common in public places as to make their disappearance, in even a single instance, a matter of indifference; but because of those peculiar and strongly marked moral traits of his character, which gave the coloring to the whole tenor of his singularly dramatic public career; traits which made for a long period, to a large portion of his countrymen, the object of as deep and passionate a hostility, as to another he was one of enthusiastic admiration, and which are not the less the cause that now unites all these parties, once so widely differing, in a common sorrow to-day over his lifeless remains.

It is of these high moral qualities which I

wish to speak, for these have been the traits which, in after years, as I have considered the successive acts and utterances of this remarkable man, have fastened most strongly my attention, and impressed themselves most forcibly upon my imagination, my sensibilities, my heart. I leave to others to speak of his intellectual superiority, of those rare gifts with which nature had so lavishly endowed him, and of the power to use them, which he had acquired by education. I say nothing of his vast and varied stores of historical knowledge, or of the wide extent of his reading in the elegant literature of ancient and modern times, or of his wonderful power of retaining what he had read, or of his readiness in drawing upon these fertile resources to illustrate his own arguments. I say nothing of his eloquence as an orator, of his skill as a logician, or of his powers of fascination in the unrestrained freedom of the social circle, which last it was my misfortune not to have experienced. These, indeed, were the qualities which gave him eminence, not only in our country, but throughout the world, and which have made the name of Charles Sumner an integral part of our nation's glory. They were the qualities which gave to those moral traits of which I have spoken, the power to impress themselves upon the history of the age, and of civilization itself, and without which those traits, however intensely developed, would have exerted no influence beyond the personal circle immediately surrounding their possessor. More eloquent tongues than mine will do them justice. Let me speak of the characteristics which brought the illustrious Senator who has just passed away into direct and bitter antago-

ism, for years, with my own State, and her sister States of the South.

Charles Sumner was born with an instinctive love of freedom, and was educated, from his earliest infancy, to the belief that freedom is the natural and indefeasible right of every intelligent being, having the outward form of man. In him, in fact, this creed seems to have been something more than a doctrine imbibed from teachers, or a result of education. To him it was a grand, instructive truth, inscribed in blazing letters upon the tablet of his inner consciousness, to deny which would have been for him to deny that he himself existed. And along with this all-controlling love of freedom, he possessed a moral sensibility, keenly intense and vivid, a conscience which would never permit him to swerve by the breadth of a hair from what he pictured to himself as the path of duty. Thus were combined in him the characteristics which have in all ages given to religion her martyrs, and to patriotism her self-sacrificing heroes.

To a man thoroughly permeated and imbued with such a creed, and animated and constantly actuated by such a spirit of devotion, to behold a human being, or a race of human beings, restrained of their natural rights to liberty, for no crime by him or them committed, was to feel all the belligerent instincts of his nature roused to combat. The fact was to him a wrong which no logic could justify. It mattered not how humble in the scale of rational existence the subject of this restraint might be, how dark his skin, or how dense his ignorance. Behind all that lay for him the great principle that liberty is the birthright of all humanity, and that every individual of every race who has a soul to save is entitled to the freedom which may enable him to work out his salvation. It matters not that the slave might be contented with his lot; that his actual condition might be immeasurably more desirable than that from which it had transplanted him; that it gave

him physical comfort, mental and moral elevation, and religious culture not possessed by his race in any other condition; that his bonds had not been placed upon his hands by the living generation; that the mixed social system of which he formed an element had been regarded by the fathers of the Republic, and by the ablest statesmen who had risen up after them, as too complicated to be broken up without danger to society itself, or even to civilization; or, finally, that the actual state of things had been recognized and explicitly sanctioned by the very organic law of the Republic. Weighty as these considerations might be, formidable as were the difficulties in the way of the practical enforcement of his great principle, he held none the less that it must sooner or later be enforced, though institutions should have to give way alike before it. But here let me do this great man the justice which, amid the excitements of the struggle between the sections, now past, I may have been disposed to deny him. In this fiery zeal and this earnest warfare against the wrong, as he viewed it, there entered no enduring personal animosity toward the men whose lot it was to be born to the system which he denounced.

It has been the kindness of the sympathy which in these later years he has displayed toward the impoverished and suffering people of the Southern States, that has unveiled to me the generous and tender heart which beat beneath the bosom of the zealot, and has forced me to yield him the tribute of my respect; I might even say, of my admiration. Nor in the manifestation of this has there been anything which a proud and sensitive people, smarting under a sense of recent discomfiture and present suffering, might not frankly accept, or which would give them just cause to suspect its sincerity. For, though he raised his voice as soon as he believed the momentous issues of this great military conflict were decided, in behalf of amnesty to the vanquished, and he stood for-



ward ready to welcome back as brothers, and to re-establish in their rights as citizens, those whose valor had so nearly riven asunder the Union which he loved, yet he always insisted that the most ample protection and the largest safeguards should be thrown around the liberties of the newly-enfranchised African race. Though he knew very well that of his conquered fellow citizens of the South, by far the larger portion, even of those who most heartily acquiesced in and desired the abolition of slavery, seriously questioned the expediency of investing in a single day, and without any preliminary tutelage, so vast a body of inexperienced and uninstructed men with the full rights of freemen and voters, he would tolerate no half-way measures upon a point to him so vital.

Indeed, immediately after the war, while other minds were occupying themselves with different theories of reconstruction, he did not hesitate to impress most emphatically upon the administration, not only in public, but in the confidence of private intercourse, his uncompromising resolution to oppose to the last any and every scheme which should fail to provide the surest guarantees for the personal freedom and political rights of the race which he had undertaken to protect. Whether his measures to secure this result, showed him to be a practical statesman or a theoretical enthusiast, is a question on which any decision we may pronounce to-day must await the inevitable revision of posterity. The spirit of magnanimity, therefore, which breathes in his utterances and manifests itself in all his acts, affecting the South during the last two years of his life, was as evidently honest as it was grateful to the feelings of those to whom it was displayed.

It was certainly a gracious act toward the South—though unhappily it jarred upon the sensibilities of the people at the other extreme of the Union, and estranged from him the great body of his political friends—to propose to erase from the banners of the National Army the

mementoes of the bloody internecine struggle, which might be regarded as assailing the pride or wounding the sensibilities of the Southern people. That proposal will never be forgotten by that people so long as the name of Charles Sumner lives in the memory of man. But, while it touched the heart of the South, and elicited her profound gratitude, her people would not have asked of the North such an act of self-renunciation.

Conscious that they themselves were animated by devotion to constitutional liberty, and that the brightest pages of history are replete with evidences of the depth and sincerity of that devotion, they can but cherish the recollections of sacrifices endured, the battles fought, and the victories won, in defense of their hapless cause. And, respecting, as all true and brave men must respect, the martial spirit with which the men of the North vindicated the integrity of the Union, and their devotion to the principles of human freedom, they do not ask, they do not wish, the North to strike the mementoes of her heroism and victory from either records, or monuments, or battle-flags. They would rather that both sections should gather up the glories won by each section, not envious, but proud of each other, and regard them a common heritage of American valor.

Let us hope that future generations, when they remember the deeds of heroism and devotion done on both sides, will speak, not of Northern prowess or Southern courage, but of the heroism, fortitude, and courage of Americans in a war of ideas—a war in which each section signalized its consecration to the principles, as each understood them, of American liberty, and of the Constitution received from their fathers.

It was my misfortune, perhaps my fault, personally never to have known this eminent philanthropist and statesman. The impulse was often strong upon me to go to him and offer him my hand and my heart with it, and to express

to him my thanks for his kind and considerate course toward the people with whom I am identified. If I did not yield to that impulse, it was because the thought occurred that other days were coming, in which such a demonstration might be more opportune, and less liable to misconstruction. Suddenly, and without premonition, a day has come at last to which for such a purpose, there is no to-morrow.

My regret is therefore intensified by the thought that I failed to speak to him out of the fullness of my heart, while there was yet time.

How often is it that death thus brings unavailingly back to our remembrance opportunities unimproved; in which generous overtures, prompted by the heart, remain unoffered; frank avowals which rose to the lips, remain unspoken; and the injustice and wrong of bitter resentments remain unimpaired!

Charles Sumner in life believed that all occasion for strife and distrust between the North and South had passed away, and that there no longer remained any cause for continued estrangement between these two sections of our common country. Are there not many of us who believe the same thing? Is not that the common sentiment, or if it is not, ought it not to be, of the great mass of our people North and South? Bound to each other by a common Constitution, destined to live together under a common government, forming unitedly by a single member of the great family of nations, shall we not now at least endeavor to grow *toward* each other once more in heart as we are already indissolubly linked to each other in fortunes? Shall we not, over the honored remains of this great champion of human liberty, this feeling sympathizer with human sorrow, this earnest pleader for the exercise of human tenderness and charity, lay aside the concealments which serve only to perpetuate misunderstandings, and distrust, and frankly confess that on

both sides we most earnestly desire to be one; one not merely in political organization; one not merely in identity of institutions; one not merely in community of language, and literature, and traditions, and country; but, more and better than all that, one also in feeling and in heart? Am I mistaken in this? Do the concealments, of which I speak, still cover animosities which neither time nor reflection, nor the march of events have yet sufficed to subdue? I cannot believe it. Since I have been here, I have watched with anxious scrutiny your sentiments as expressed, not merely in public debate, but in the *abandon* of personal confidence. I know well the sentiments of these, my Southern brothers, whose hearts are so enfolded that the feeling of each is the feeling of all; and I see on both sides only the seeming of a constraint which each apparently hesitates to dismiss. The South—prostrate, exhausted, drained of her life-blood as well as of her material resources, yet still honorable and true—accepts the bitter award of the bloody arbitrament without reservation, resolutely determined to abide the results with chivalrous fidelity; yet, as if struck dumb by the magnitude of her reverses, she suffers on in silence.

The North, exultant in her triumph, and elated by success, still cherishes, as we are assured, a heart full of magnanimous emotions toward her disarmed and discomfited antagonist; and yet, as if mastered by some mysterious spell, silencing her better impulses, her words and acts are the words and acts of suspicion and distrust.

Would that the spirit of the illustrious dead whom we lament to-day could speak from the grave to both parties to this deplorable discord, in tones which should reach each and every heart throughout this broad territory: "My countrymen, *know* one another, and you will *love* one another."

1



GEORGE Q. CANNON.

## GEORGE Q. CANNON.

**G**EORGE Q. CANNON, of Salt Lake City, is a native of England, having been born at Liverpool, January 11, 1827, and is, consequently, about fifty-six years old. When he was quite young he came to the United States with his parents, and secured a good education. He chose the newspaper business as a profession, and learned the routine duties of the office step by step, and followed that calling for some years.

In the early settlement of the Territory of Utah, Mr. Cannon emigrated thither, and settled in the Great Salt Lake Basin, where he has since made his home, and has been one of the leading spirits in developing and building up that region. He has been for many years one of the trusted apostles and teachers in the Mormon community, and stood among the nearest in position and influence to Brigham Young, the head of the Mormon society. So prominent was Mr. Cannon in Mormon influence, that, as early as 1862, when preliminary steps were taken to have Utah admitted as a State, he was chosen as one of the

members to sit in the United States Senate, being then but thirty-five years old.

During the years 1865, '66, '69, '70, '71 and '72, he was a member of the legislative body of the Territory, and since 1865 he has been a member of the Board of Regents of the Deseret University.

A constitutional convention was held at Salt Lake City during the months of February and March, 1872, at which a State Constitution was prepared, and Mr. Cannon was appointed to present it, and the accompanying petition for statehood, to Congress. In this mission he was unsuccessful, as Congress would not listen to a proposition of such a character respecting a Territory where such views and practices were indulged, as were held and practiced generally by the Mormons.

Mr. Cannon was elected to represent the Territory in the Forty-third Congress, and took his seat in 1873. He has been regularly re-elected to, and has occupied his seat in, each succeeding Congress, until 1881, when, although he received a large majority of the votes

cast in the Territory, Governor Murray refused him the certificate, on the double ground of his never having been naturalized, and his living in the practice of

polygamy, by having four wives. certificate of election was given to Campbell, but neither of the parties admitted to the seat in that Congress



### CONDITION OF UTAH TERRITORY.

*Mr. Cannon's Speech, delivered in the House of Representatives, June 2, 1874.*

**MR. SPEAKER:** The condition of Utah Territory is such that I can speak of it with a good deal of pride, and without any fear in relation to the result of any examination to which its affairs may be subjected.

Utah Territory has now been settled nearly twenty-seven years. On the 24th of the coming month, we shall have been there twenty-seven years. To-day we are out of debt. The counties, the cities and the Territory are entirely free from debt. There is not a bond of any kind afloat. The affairs of the Territory have been managed in the most economical manner. The aim has been to have taxation as light as possible. There are those who wish a change, who desire to obtain the control of affairs, and this bill is in their interest. It is easy to imagine what the result would be, if it were to pass, and control of the Territory were taken out of the hands of those, who, at the present time, have the majority there. What an excellent field there would be for—I was going to say plunder, and I do not know that it is too strong a word to use. Experience elsewhere has shown how easy it is to issue bonds, and to involve a community inextricably in debt.

It is against this, that my constituents protest. They wish the majority to govern. They govern elsewhere, why not in Utah? Why aid the minority by throwing Congressional influence and legislation against the majority? What

have the majority done, that this must be inflicted upon them? It has been said the railroad be built across the Continent and the Mormon power will soon be broken. Then it was said, let mines be discovered so that emigration can flow in, and the overthrow of the Mormons will then be assured. The railroad has been built, mines have been opened, emigration has flowed to Utah, churches and schools have been built and organized. I believe there are five or six different denominations busily engaged there—and yet there is a class who are not satisfied. The overthrow of the majority in Utah, has not been accomplished as they hoped. They now want Congress to aid them, by granting hostile legislation against this majority, and thus wrest the control of affairs from their hands.

Sir, it is but another scheme for robbing the people, and it is hoped it can be done under the guise of law. Members should hesitate before they cast their votes for such a bill. Explain well what the results of such legislation are likely to be. Let members ask themselves they would like such legislation enacted against them, if they were objectionable, for religious or any other reason. Put yourself, sir, in the position of the Mormons, and ask yourself, you would like to have such a law as this passed against you.

It may be said, the Mormons are heretics

this does not justify Congress in making this bill a law. Such legislation never, in the history of the world, put down heresy. If such legislation can, then all history belies itself, for history bears testimony, that no such measure as is proposed in this bill, ever was successful in accomplishing such an object. It did not in the case of the Huguenots; it did not in the case of the Puritans; it has not in any case, and it never will, never, while the earth stands, and human nature possesses its present features, unless, indeed, you stamp a religion out by destroying all its believers.

What is now Utah Territory, when first settled, was a country that nobody desired. When my constituents went there, it was supposed they would either fall victims to the Indians, or starve to death. But, after struggling for years, they succeeded in transforming it from a desert, to a place of beauty. But this was only done by immense sacrifice and toil. Some of the settlements of Utah Territory, have had their entire crops swept off five years in succession, by grasshoppers. In 1855 the crops of the entire Territory were destroyed by those insects. I do not think I overstate the case, when I say, remote as Utah then was from all help, that in any other community similarly situated, hundreds would have starved to death, and their settlements would have been abandoned. It was the religious sentiment, prompting them to divide with each other to the last mouthful, that saved them.

Mr. Speaker, there was no talk then about enacting laws for the Territory of Utah. No; the Mormons could struggle on and perish if they chose, and these zealous patriots who now profess such interest for Utah, cared nothing about her. It is only since mines have been discovered, and city property become valuable, and railroads have been constructed—it is only since it was found that the Mormons had valuable possessions, that this interest is taken by the present crusaders against Utah. You re-

member sir, that, four years ago, it was said that unless Congress interposed, there would be bloodshed in that Territory. An effort was made to convince Congress that, unless legislation was enacted for Utah, bloodshed would be inevitable. Four years have passed, and that Territory to-day, is as peaceful as it was at that time.

But, it is said, that the courts are locked up, and cannot execute the laws, because of the difficulty of obtaining jurors. Sir, that is no more the case now, than it has been for a score of years. Under the present laws of Utah, courts have been held, and cases tried, for a long succession of years. And, were it not for the obstinacy of the judge of the third judicial district, there would be no dead-lock there at the present time. In the other districts of Utah, courts have been held, and jurors have been summoned. But, it has been published in a daily paper of large circulation in Salt Lake City, the editors of which are responsible men, that the judge of the third district had said in substance, "he would carry his point with Congress if he ruined the entire legal business of the Territory."

The question as to which is the rightful office of the courts under the laws of the Territory—the United States District Attorney or the Attorney General of the Territory, has been submitted to the United States Supreme Court, and the decision has been in favor of the officer created by territorial statute. The case of the United States Marshal, vs. the Territorial Marshal, is an analogous one. In two instances the Supreme Court of the United States have sustained the local authorities of the Territory in cases which have been carried up from the court which now complains of being locked up. The United States Supreme Court has sustained the laws of the Territory. This does not look as though the people of the Territory were usurping authority, or giving their officers power not guaranteed by law and usage. Instead of

a usurpation of power on the part of the Legislative Assembly of Utah, or on the part of an officer created by their act, and against the United States officer, as stated by the gentleman from Vermont, the contrary has been the case—the usurpation has been on the part of the Federal officer, and the United States Supreme Court has so decided.

Sir, I know the prejudices which exist on this Mormon question. I know that many men are ready to do anything that may have the effect to destroy what is called Mormonism. I implore members to reflect, and not act hastily upon this bill. Such legislation will not destroy that system. Its believers have suffered themselves to be driven from their homes, time and time again, for their religion. They cannot be convinced by the bayonet; they cannot be convinced by violence; they cannot be convinced by any such means; hostile legislation will not have that effect. If the Mormons are in error, rea-

son is the only argument which must be made. No other will avail.

At the present time, and ever since Utah has been settled, her people have opened their place of worship to men of every denomination to enter and preach. Sir, as you know, a distinguished divine of this city went to Utah, held a controversy before the largest congregation that could probably be convened in the United States, on the question of polygamy, so it ever has been with them. Whenever a reputable minister of any denomination or church has gone to Utah, he has had an opportunity of speaking in the halls of the Latter Day Saints. There has been no exclusiveness, no disposition to close their doors against reason. As I have already said, day schools and Sunday schools are established there by religious sects opposite to the Mormons, and if this system can be brought down, it will be by reason, and not by compulsion and violence.









SAMUEL J TILDEN.

ENGRAVED FOR ORATORS AND ORATORY FAIRBANKS, PALMER & CO., PUBLISHERS.

## SAMUEL J. TILDEN.

**S**AMUEL JONES TILDEN, of New York City, was born in New Lebanon, Columbia county, New York, February 9, 1814. After making full preparation in lower schools, he became a student in Yale College in 1833, from which he graduated after completing a thorough course of instruction. He then pursued the study of law in the University of New York, was admitted to the bar, and entered upon the practice of his profession in the metropolis, where he has since resided, pursuing his calling until within a few years, during which time he has been living in retirement.

Mr. Tilden early won a reputation for skill and ability in his profession, particularly in railroad cases, and built up an extensive and very lucrative practice. He took an active interest in local politics, and in 1846 was a member of the State Constitutional Convention, and the same year he was elected to the lower House of the State Legislature. He was influential in shaping the canal policy of the State; a question which has, at

times, held a prominent place in State politics, and before the Legislature.

In 1855 Mr. Tilden was an unsuccessful candidate for Attorney-General of the State; an office which he was well qualified to fill with honor and ability. He was for thirteen years the Chairman of the Democratic State Central Committee; a position of great importance in the party, when it is remembered that New York exerts such a strong influence in shaping the politics of the party in the nation.

In 1867 he was chosen a member of the State Constitutional Convention that met that year, and exerted his skill and power in shaping the organic law of his State.

He was particularly active in the organization of the Bar Association in New York City, and has been one of its most influential members. In 1870-'71, when the city government, under the rule of the Tammany Ring, became so corrupt that it was but an organized system of plundering the people, and putting the money into the pockets of the Ring, Mr.

Tilden was active in ferreting out the fraudulent proceedings, and securing the complete overthrow of the power held by the organization at that time. In 1872 he was again elected a member of the State Legislature, and in November, 1874, he was elected Governor of the State on the Democratic ticket.

Mr. Tilden's popularity and influence in the State led to his nomination for the Presidency by the Democratic National Convention that met at St. Louis in June, 1876. Rutherford B. Hayes was nominated by the Republicans for the same office, and the campaign which followed was one of the most exciting that had been known for many years. The result was doubtful—the victory being claimed by both parties. Double returns were sent in from several States, and new means were adopted for determining the result. The body known as the Elec-

toral Commission was established by Congress, consisting of five members of the House, five Senators, and five members of the United States Supreme Court. To this body was referred all questions as to the true returns from the disputed States, and the decision rendered was accepted by Congress as settling all controversy. Mr. Hayes was declared duly elected by a majority of one electoral vote. There were large numbers who maintained that Mr. Tilden was rightfully elected, and should have been inaugurated. This feeling continued, and made him a prominent candidate before the Democratic National Convention in 1880, but he declined to allow his name to be pressed before that assembly.

Mr. Tilden possesses an ample fortune, and lives in retirement, enjoying all the comforts of quiet, private life.

### SPEECH OF ACCEPTANCE.

*Delivered by Mr. Tilden on being nominated for Governor of New York, Sept. 16, 1874.*

FELLOW-CITIZENS: I thank you for the honor you do me in the midst of this storm. I know it is the cause, more than its representative, that calls out this manifestation of interest and enthusiasm. Well may it.

A peaceful revolution in all government within the United States is going on to a sure consummation. Ideas of change pervade the political atmosphere. They spring up from the convictions of the people. The supporters of

the administration have lost confidence in it, and in themselves. The opposition become more intense in their convictions, and in their action. Multitudes pass over from support to opposition or sink into silent discontent.

Are we asked the causes? The answer is found in the condition of our country. The fruits of a false and delusive system of government finances are everywhere around us. All business is in a dry rot. In every industry it is

hard to make the two ends meet. Incomes are shrinking away; and many hitherto affluent are becoming anxious about their means of livelihood. Working-men are out of employment. The poor cannot look out upon the light or air of heaven, but they see the wolf at the door.

Inflation no longer inflates. Even while paper money is swelling out a new emission, values sink. Bankers' balances in the monetary centers are increased, and call loans are cheaper; but those who need more capital can neither buy nor borrow any of the forty-four millions of new greenbacks. The truth is, that our body politic has been overdressed with stimulants: new stimulants no longer lift up the languid parts to a healthy activity. They merely carry more blood to the congested centers.

One thing only remains in its integrity; that is our taxes. Amid general decay, taxation puts out new sprouts, and grows luxuriantly. "It seats itself"—if I may borrow a figure from the greatest of our American poets—

"Upon the sepulcher—  
And of the triumphs of its ghastly foe,  
Makes its own nourishment."

National taxes—State taxes—county taxes—town taxes—municipal taxes. The collector is as inevitable as the grim messenger of death. Incomes, profits, wages; all these fail, but taxes rise.

Six years ago, I had occasion to say that, while values were ascending, and for some time after, it might be easy to pay these taxes out of the froth of our apparent wealth; but that, when the reaction of an unsound system of government finance should set in, the enormous taxation which that system had created would consume not only our incomes and profits, but trench upon our capital. What was then predicted is now experience.

Retrenchment in public expenditure, reform in public administration; simplification and reduction of tariff and taxes; accountability of public officers, enforced by better civil and

criminal remedies. The people must have these measures of present relief—measures of security for the future.

The Federal government is drifting into greater dangers and greater evils. It is rushing onward in a career of centralism, absorbing all governmental powers, and assuming to manage all the affairs of human society. It undertakes to direct the business of individuals by tariffs not intended for legitimate transaction, granting special privileges, and fostering monopolies at the expense of the people. It has acquired control of all banks; it has threatened to seize on all the telegraphs; it is claiming jurisdiction of all the railroad corporations chartered by the States, and amenable to the just authority of the States. It is going on to usurp control of all our schools and colleges, stretching the drag-net over the whole country, and forcing editors and publishers away from their distant homes into the courts of the District of Columbia. It is subjecting the free press of the whole United States, for the criticism of the Administration, to trial by the creatures of the Administration, acting under the eye of the Administration. It dared to enforce this tyranny against a free man of the metropolis of our State.

These tendencies must be stopped, or, before we know it, the whole character of our government will be changed. The simple and free institutions of our fathers will have become the worst government that has ever ruled over a civilized people.

It will be the most ignorant. A distinguished Republican statesman (I mean Senator Conkling) lately told me that more than 5,000 bills were before Congress at its last session. In a little time, as we are now going on, there will be 20,000. Nobody can know what is in them.

We have a country eighteen times as large as France, with a population of 43,000,000, doubling every thirty years, and full of activities and interests. A centralized government, meddling

with everything, and attempting to manage everything, could not know the wants or wishes of the people of the different localities, and would be felt only by its blunders and its wrongs.

It would be the most irresponsible, and therefore not only the most oppressive, but the most corrupt, with which any people has been cursed.

To-day the advances which we have made toward this fatal system are maturing their fatal fruits. The Federal Administration is taunted with abuses, with jobbery, and with corruption. In the dominion which it maintains over the reconstructed Southern States, organized pillage on a scale tenfold larger than that of the Tweed "Ring," is the scandal and shame of the country.

Civil liberty is endangered. It is now certain that President Grant nourishes the bad ambition of a third term.

If the sacred tradition established by Washington, Jefferson, Madison, and Jackson, can be broken, the President may be elected indefinitely, and wielding from the center the immense patronage which will grow out of such vast usurpation of authorities by the Federal government, he would grasp the means of corrupt influence by which to carry the elections.

There will be no organized thing in the country of sufficient power to compete with him, or to resist him. The forms of free government may remain, but the spirit and the substance will be changed. An elective personal despotism will have been established. Roman history in the person of Augustus Cæsar will be repeated.

Thoughtful men are turning their minds to the means of escape from the overshadowing evils. The Republican party cannot save the country. Ideas of governmental meddling and centralism dominate over it. Class interests hold it firmly to evil courses. Throngs of officeholders, contractors, and jobbers who have

grown up in fourteen years of its administration—in four years of war, and during an era of paper money—are too strong in the machinery of the party for the honest and well-intending masses of the Republicans. The Republican party contributed largely to maintain the Union during the civil war. It cannot reconstruct civil liberty and free institutions after the peace.

A change of men is necessary to secure a change of measures. The opposition is being matured and educated to take the Administration. The Democracy and the traditions of its best days, will form the nucleus of the opposition. It embraces vastly the larger body of men of sound ideas and sound practices in political life. It must remove every taint which has touched it in evil times. It must become a compact and homogeneous mass. It must gather to its alliance all who think the same thing concerning the interests of our Republic. It is becoming an adequate and effective instrument to reform the Administration, and to save the country.

It reformed itself in order that it might reform the country, and now, in your name and in the name of the five hundred thousand voters whom you represent, we declare that in this great work we will tread no step backward. Come weal or come woe, we will not lower or flag. We will go forward until a political revolution will be worked out, and the principles of Jefferson and Jackson shall rule in the Administration of the Federal government.

Let us obey the patriotic maxim of old Rome, "Never to despair of our country." Actual evils can be mitigated. Bad tendencies can be turned aside. The burdens of government can be diminished. Productive industry will be renewed, and frugality will repair the waste of our resources. Then shall the golden days of the Republic once more return, and the people become prosperous and happy.






T. DEWITT TALMAGE.

ENGRAVED BY J. H. JONES AND J. H. JONES, IN NEW YORK, BY J. H. JONES & CO., N. Y.



## THOMAS DEWITT TALMAGE, D.D.

 HE subject of this brief sketch was born in Boundbrook, Somerset county, New Jersey, January 7, 1832. He entered New York University when in his seventeenth year, and graduated in 1853. He then entered the Theological Seminary at New Brunswick, New Jersey, and finished his course there in 1856. His first settlement as a pastor was over the Reformed Dutch Church at Belleville, New Jersey, where he remained until 1859. He then received, and accepted, a call to the pastorate of the Reformed Dutch Church in Syracuse, New York, where he continued from 1859 to 1862, at which time he removed to Philadelphia, and took charge of the Second Reformed Church of that city. He remained there seven years, and in 1869 accepted the charge of the Central Presbyterian Church of Brooklyn, New York, where he still remains.

Mr. Talmage became quite popular at once, and the year following his settlement the congregation built a new church edifice of wood and iron, semi-circular in form, and large enough to seat 3,400

people. This was called the Brooklyn Tabernacle, and, in an enlarged form, continued to be the home of the congregation until its destruction by fire, December 22, 1872. This was a heavy blow to the pastor and people; but, with buoyant courage, they went to work to rebuild the New Tabernacle. The new structure is of brick, Gothic in style of architecture, and retains the semi-circular form. It contains sittings for 5,000 persons, being the largest Protestant Church in America, and was dedicated on February 22, 1874. The sittings in this church are free to all who come—the poor being able to secure as good a seat as the rich. The expenses of the congregation are defrayed by voluntary contributions.

Dr. Talmage has been remarkably successful in his ministerial work in Brooklyn, and is an indefatigable worker. Beside his regular pastoral duties, which he performs with conscientious thoroughness, he has found time for performing a vast amount of extra labor. In 1872 he organized a lay college for religious training, open to all persons desiring to

attend. In it instruction is given in the general field of literature, logic, and philosophy, as well as in both natural and systematic theology, a full study of sacred history and evidences of Christianity, and Bible interpretation. Young men, who have not time or money to pursue a course of study in college or seminary, can in this school secure a training that will be of great aid to them throughout their lives. Beside this, he has been editor of "The Christian at Work" since 1874, and has published a number of works, among them being, "Crumbs Swept Up," "The Almond Tree in

Blossom," "Abomination of Modern Society," "Around the Tea-Table," "Old Wells Dug Out," "Sports That Kill," and "Every-Day Religion."

In 1879 charges of dishonorable conduct in business matters were preferred against him. They were not sustained by the Presbytery, and, on appeal being taken, the decision was approved by the Synod and the General Assembly in 1881. He was at one time a frequent and popular public lecturer, and has been heard all over the country, but of late years he has devoted his time and powers to his pastoral and religious duties.



### LAST THINGS.

*Mr. Talmage's Christmas Sermon, delivered in 1874.*

["It is the last time."—1 John II., 18.]

I remark, that men are coming nearer to their *last sinful amusement*. A dissipated life soon stops. The machinery of life is so delicate that it will not endure much trifling. As the herdsman throws a peck of corn under the swine's snout to be crunched and devoured, so dissipation is throwing the bodies and souls of men, by the scores, into the maw of death. They think they can stand night carousals, are as well satisfied to retire at 1 o'clock in the morning as at 10 at night; feel as safe in drinking wine as water; walk without compunction with the unclean. But they will soon be through. The time comes, when, with flushed countenances they will turn back from the gaming-table or come reeling from the midnight debauch, and, wrapping themselves about with sin as a garment, will stagger on, and striking

their foot against the corner of their own tombstone, will fall flat into hell.

Look into that door! It is not safe to go further. There they sit, the debauchees flinging the dice; bloats emptying the decanters; flaunting daughters of death whirling about in the dance. With some of them it is the last night on earth. Twist up the gas-lights full head, for eternal darkness is dropping! Fill the glass to the brim, for inextinguishable is about to strike its fangs! Drink deep and long, and all the hiccupping, jeering, blaspheming crew rise up and click the rim of their glasses! and spirits lost, with fiery fingers clutching the cups, give wild huzza of death, as, all together, they break through the rotten and crackling floor into the smoking, screaming horrors of the damned; and all the demons of darkness clap their hands and shout, "*Ha! ha! it was their last time!*"

Again I remark, that men are coming nearer to *their last Sabbath*. The week seems to me like a Red Sea, tossing, tossing; the Sabbath like a path cut through it, where we may walk dry shod. God lifting his hand again above the waters, all our cares and annoyances are whelmed in the flood.

Where did you pass your boyhood Sabbaths? You say, in a New England village. You remember the church, and the green in front; and the cry of the swallows in the tower as the tap of the bell scattered them; and the quiet graveyard beside it, some of the stones leaning over, and the moss almost covering the letters; the long line of horses at the hitching-post; the group at the church door; the minister, plain, and earnest, and affectionate; the children, with whom you exchanged mischievous glances, and the aged men and women, to whom you looked up with veneration, though they were sometimes asleep at the head of the pew—all of them sound asleep now, in the shadow of the church that once they frequented. With some of you it was the Scotch kirk, or the English chapel, or the city church. Somehow, ever since then you loved Sunday to come. Its sunrise seems more golden; its noonday more bright; its evening more suggestive; and although you feel, before God, that many of your Sundays have been wasted, you still say, "Sweet Sabbath!" "Messenger from God! Pillow on which to put the aching head!" Day fragrant of all "sweet memories! How I love thee!"

If you are forty years of age, two thousand and eighty of your Sabbaths are gone. Indeed, the whole flock of them is started, and the last of them will soon spread wing. It will break from the east, the bells will ring. There will be the shuffle of young feet and old on the way to church. The baptismal waters will be shed, the sacramental wine poured, the evening service will pass, the Amen will finish the benediction, the lights will be lowered, the gates will jar shut, and the sexton will turn the key in the lock. Nothing

peculiar in the looks of the wall that night, or in the sound of the music. But that will be the ending of your Sabbaths. Can you not have one more? Not one more. It will come for others, but not for us. The last hymn. The last sermon. The last benediction. The last Sabbath. *The last time!* This very Sabbath may be your closing day of rest. If so, you had better take a good look at all these sacred places, and say, "Farewell, pew and pulpit, and all ye worshipers! Farewell, song and sermon! I make my exit! Farewell, thou Christian Sabbath! To all these scenes, where I have rejoiced, and prayed, and wept, farewell all, forever!" *It is the last time.*

Again, we come near the last year of our life. The world is at least six thousand years old. Sixty thousand years may yet come, and the procession may seem interminable, but our own closing earthly year is not far off. Fifteen hundred and forty-six was a memorable year, because in it Luther died. Eighteen hundred and fifty-two was a marked year, because in it Lord Wellington died. Eighteen hundred and fifty-six was a marked year, because in it Hugh Miller died. But there is a year near at hand more tremendous to us, and that is the year in which *we* will die. Seventeen hundred and seventy-five was a memorable year, for in it Waterloo was fought. Eighteen hundred and fifty-nine was a memorable year, because in it Solferino was fought. But there will be a more memorable year to us, and that will be the year in which we fight our battle with our last enemy. That year will open with the usual New Year congratulations. It will revel in the same orchard blossoming; it will roar with the same Fourth of July rejoicings; it will close with the same Christmas festivals; and yet it will be unlike all others, in the fact that it will be our closing year. The spring grass may be cleft of the spade to let us down to our resting-place; or while the summer grain is falling to the sickle, we may be harvested for another world; or, while

the autumnal leaves are flying in the November gale, we may fade and fall; or the driving sleet may cut the faces of the black-tasseled horses that pull us out in our last ride. But it will be the year in which our body and soul part; the year in which for us time ends, and eternity begins. All other years are as nothing. The year in which you were born, the year in which you were married, the year in which you began business for yourself, the year in which your father died—all of them are of less importance than this last year of your life.

During the year which expires to-night, in three hours and twenty-five minutes from this time by that clock; how many will have gone into the next world? About five million five hundred thousand souls. It was their last year. Some of them may have expected it, but the great majority of them, if foretold that this would be their closing year, would have laughed outright and said: "Is not my arm strong? Is not my eye clear? Is not my lung sound? Who can skip, or climb, or lift, or run, better than I? The doctor of the 'Life Insurance' Company' pronounced me sound. All my friends congratulate me on my healthy appearance. Begone with your evil prophecy! I shall see my three-score and ten!" Yet those five million five hundred thousand have gone. No more motion in their heart than if it had never pulsed. No more brightness in their eye than if it had always been blind. The earth sails on—a great hearse, containing thousands, millions, billions, trillions, quadrillions, of the dead. But the record of the year is not yet made up. In the three hours and twenty minutes that remain, at least ten thousand and nine hundred spirits will swing out of this life. The gate of eternity has opened and shut to let in six or seven souls since I began that last sentence. I beat the seconds with my hand! At every stroke a spirit flies. There goes one—another—and another. *It was the last time!*

What is that winged creature flying through

the air? It is the present year. It is flying from eternity to eternity. I say, "Stop, oh, flying year!" It stops not, but cries as it passes, "With my torch I kindled the morning. From my cup I poured the blackness of the night. I strewed the marriage-altar, and dug the grave. I set on fire the cities and the forest. I palsied the eloquent tongue, and spread the sick bed, and delivered the captive, and awoke the song, and garnered the harvest. Out of my bosom flew the white dove of peace, and from my hand were flung the arrows of war. I brought messages of mercy to one, and from another I took away the last chance. I pulled on the chariot of the king. Between the eternities I fly. One stroke more of my wing, and I shall be at rest. The time is short. Prepare! Prepare!"

Again I remark, that we are coming nearer the *last moment of our life*. That is often the most cheerful moment. John Howard talked of it with exhilaration, and selected his own burial place, saying to his friend, "A spot near the village of Dauphiny would suit me nicely." When John Doute was dying in the triumph of the Gospel, some one said, "Let us pray." "No," said another Christian, "let us sing him over the Jordan!" But it will be a dark moment if we are unfitted for it. When we get in the last two minutes of our lives, there will be no time left for anything. You might as well try to strike a match and get a light on a ship's deck in the midst of a hurricane, as to prepare for eternity when the winds of death are in the blast. It is a poor time to start to get your house insured when the flames are bursting out of all the windows, and it is a poor time to attempt to prepare for death when the realities of eternity are taking hold of us. Fortunately for those who stay behind, the remorse of those who leave the world unprepared is not usually observed. In the exhausted physical condition nothing is especially evident. But, I suppose, the soul flies around terribly, and tries to hold back, and flutters its wings like a captured eagle, and

writhes, and turns, and tries to batter itself loose from its pursuers. If you come to a precipice, and look a thousand feet down, you get dizzy, and want to hold fast. How then, must the unprepared soul feel when it comes to the brink of this life and looks down—farther than a stone could drop in a thousand years; and irresistible forces are pushing it to the verge, and it knows that there is nothing to clutch, nothing to brace itself against! The soul says, "The last minute has come. No time to pray, or to rehearse the past, or to cry for mercy. Everything done, and irrevocably done. Here I stand on the dividing line between two worlds, Shall I jump? Which way shall I jump? Shall I fly? Which way shall I fly?"

A California stage driver, after having been engaged in that business for many years, was dying, and in his last moment he put his foot out of the bed, and swung it back and forth. Some one said to him, "Why do you make that motion with your foot?" He replied, "I am on the down grade, and I cannot get my foot on the brake." When our last moment comes, we cannot stop. Our going will be inevitable, and we will not be able to put our foot on the brake.

"Lo! on a narrow neck of land,  
Twixt two unbounded seas I stand,  
Yet how insensible!  
A point of time, a moment's space,  
Removes me to yon heavenly place,  
Or shuts me up in hell!"

I congratulate all Christian people on the fact that they have come to the last Sabbath of the last month of the year, for the reason that they are nearer the end of all their sorrows.

Among the Sierra Nevada Mountains I was walking with some of the passengers to relieve the overladen stage, and one of them gave me his history. He said, "With my wife I came to California twenty years ago. We suffered every hardship. I went to the mines, but had no luck. I afterward worked at a trade, but had no luck. Then I went to farming, but had no luck. We

suffered almost starvation. Everything seemed to go against us. While we were in complete poverty, my wife died. After her death I went again to the mines. I struck a vein of gold which yielded me forty thousand dollars. I am now on my way to San Francisco, to transfer the mine, for which I am to receive one hundred thousand dollars." "Then," said I, "you are worth one hundred and forty thousand dollars?" He said, "Yes, but it comes too late, my wife is gone. The money is nothing to me now." Yes, his earthly prosperity had come too late!

So there are those whose entire life is made up of poverty and misfortune. When success comes, it comes too late, and they cannot enjoy it. But, glory to God, the path of tears has a terminus. The storm will not blow on forever. Child of God, you are not far off from the last disappointment, and the last groan. The Lamb which is in the midst of the throne, shall lead you to living fountains of water, and God shall wipe away all tears from your eyes.

To others, my subject brings arousal. In three hours and ten minutes more, the volume of your year's opportunity and behavior will be closed, clasped, sealed, and laid away on the shelf of history. No prayer can be added; no privilege inscribed; no sin erased. Just as the Book closes to-night, at twelve o'clock, it will be until the archangel wrenches it open. The recording angel is at this moment writing the last sentence of the tremendous volume. He either writes "December 31, 1871," your name under it, and the words "*Accepted Christ, and all is well,*" or, in the other case, he writes, "December 31, 1871," your name under it, and the words, "*Would not turn. The year and the day of grace are ended. He must perish,*" and the lids of the great book come shut with a strong hand; and as the angel lays it down at the foot of the throne, I hear him say with the solemnity of the judgment day, "No more mercy for that man. It is the last time. Holy Spirit, fly away. Angels, cease to hover! Sword of truth, be

sheathed! Gate of Heaven, clang shut! Done! Done! *It is the last time!*"

Shall not these closing moments of the year witness your repentance? Shall not this hour record your flight from sin?

I have read, that when the Declaration of Independence was being made in Philadelphia in 1776, the people were so anxious to know the exact moment when the document was completed, that they placed a man at the door of the hall where the delegates were assembled, and another man on the stairs leading to the tower, and another man with his hand on the rope of the bell; and then, when the last signer of the Declaration had affixed his name, the man at

the door shouted upward, "*Ring!*" and man on the stairs heard it, and shouted up: "*Ring!*" and the man with his hand on rope of the bell heard it, and sounded the tide over the city.

If, to-night, in the strength of Christ, would make your declaration of independence from the power of sin, there would be great rejoicing on earth, and in heaven. I would cry ward to the angels poising in mid air, Ring! and they, to those standing on the battlements to the dwellers in the temples, and in the mansions, Ring! and all heaven would ring, ring, at the news of a soul redeemed,—a soul safe, forever and forever!







HENRY B. ANTHONY.



## HENRY B. ANTHONY.

**W**E must turn to the smallest State in the Union to find the man who, in point of service in the United States Senate, is the oldest member of that body. Others may have lived longer, but none have held their place so long.

Henry B. Anthony was born in the town of Coventry, Rhode Island, April 1, 1815. He spent his early years in storing his mind with that information which enabled him to start well in a public career that has been long and useful.

When eighteen years of age he entered the regular course in Brown University, in the city of Providence, and in due time graduated with full honors. He soon afterward entered the field of journalism, becoming editor of the Providence "Journal." He bent all his energies to his new task, and was fully rewarded by the increased influence and circulation of his paper, and the prominence in which it placed him.

Mr. Anthony continued at the head of the "Journal" for thirty years; and many of these years, too, were filled full

of other important duties, as ably performed as was his editorial work

In 1849 he was nominated for Governor, and elected, and was nominated and elected for a second term, when he declined to be a candidate the third time. In 1859 he took his seat in the United States Senate, and by successive re-elections he has continued a member of that body until the present time. His present term of office will expire in 1889. During this long period of public service he has been prominently placed before the whole nation; he has taken part in one of the grandest dramas ever played on the world's stage, and there is not a page in his whole history that should cause the blush of shame to mantle his cheek.

His editorial career covered the period preceding the terrible civil war, and extended through it. His study of the great leading subjects then gave him a clear insight into the nature and condition of national affairs.

He entered the Senate just before the dark days of civil strife, and during his long period of service there the nation

has had no truer friend than he. He has served on many of the most important committees during his membership in the Senate, and always with honor to himself, and profit to the nation. On the 23d of March, 1869, he was elected President *pro tem* of the Senate, and on the 10th of March, 1871, the honor of

President *pro tem* was again conferred upon him—an honor which he most richly deserved.

Mr. Anthony's course through life is an example well worthy the study of all young Americans, and one of which his State and the nation at large, may well be proud.

### ELECTION OF PRESIDENT AND VICE-PRESIDENT.

*Mr. Anthony's speech, delivered in the United States Senate, January 22, 1875.*

MR. PRESIDENT: This subject has been so thoroughly discussed in the elaborate and exhaustive report for which we are indebted to the industry and learning of the chairman of the Committee on Privileges and Elections, that nothing remains to be said upon the inconvenience and danger of the present system of electing the President of the United States, and the desirableness of a change. Nor, on the whole, considering the varied rights and interests and traditions to be consulted, does there appear a better mode of reform than the one proposed. Agreeing with the conclusion of the report, although not fully with some of its reasoning, I shall briefly consider the subject, particularly with reference to the smaller States of the Union, one of which I have the honor, in part, to represent.

But first, while I fully appreciate the peril of the existing system, in some respects, I apprehend no danger from the election of a President, in the last resort, in the mode in which the Constitution provides, the mode which the people ordained, the mode to which every State has solemnly assented, and which has been twice tried, and the President thereby elected has ex-

ercised, undisputed, all the authority of his office. The people of the United States are a law-abiding people. They must be a very restless and unreasonable people who would revolt at a mode of election which themselves had ordained, and had twice consented to, and which they have the power to change. There are reasons sufficient for the change proposed, there is danger sufficient in the present system, without supposing one which could arise only from the insubordination of the people to their own law, changeable, at their pleasure, in the mode which they have provided. That an election illegally or fraudulently forced through the House of Representatives might endanger the stability of the government, is just as probable as that an election illegally or fraudulently accomplished in any other way, might produce that result. In either case, the dissatisfaction would be, not with the provisions of the Constitution, but with the perversion, the violation of those provisions. In the case of James K. Polk, who was thought by the friends of Henry Clay to have been elected by the naturalization frauds in New York, and by the Plaquemine frauds in Louisiana, the people submitted, because there

was no legal remedy, and because all the forms of law had been complied with. And, moreover, although the supporters of Mr. Clay believed that a majority ought to have been returned for him, it was undeniable that the difference in the legal votes of the two candidates was small. It was not as though a President had been forced on the people against the wishes of the great majority.

In the case of John Quincy Adams, although there was a good deal of partisan talk about not submitting to the election by the House of Representatives, there was never any real danger to the public tranquility; and the talk was not against the constitutional modes of the election, but against the agencies by which it was alleged to have been accomplished. That these allegations of fraudulent or improper agencies were the suspicions or the inventions of heated partisanship, history has well established. But they had at the time, a great effect; indeed, to them was due all the apprehensions, real or imaginary, of danger from the unusual, but constitutional mode of the election. There was no proper cause of complaint, certainly none of indignation. There was no outrage upon popular rights. The people had divided their votes among four candidates, and neither having a majority, the election came into the House of Representatives. Jackson received 99 electoral votes, and Adams 84, and there were 78 against both; who received the highest number of votes had no right to claim from the Representatives, on whom the election devolved, the subordination of their own judgment to that of a minority of the electors, who had cast their votes for the highest candidate. To claim this would be to claim an election by a simple plurality, and to make the election by the House less than a ministerial office, a mere farce. It was on no such ground that the friends of Jackson denounced the Representatives who had exercised their constitutional rights, and their constitutional duty. It was on the pretense of corrupt

bargaining in the election, a pretense which deceived many well-meaning men.

The previous case of the election of Jefferson presented a much more serious cause of alarm. Yet this did not arise out of the mode of the election, but out of the singular complications which threatened to prevent an election of either President or Vice-President, and to bring the government to a standstill. It was reported that the opponents of Jefferson had gone so far as to determine that, rather than submit to his election, they would prevent an organization, and drive the country to revolution. No such purpose was entertained, unless by a few hot-headed men, who are found in every party, and for which no party should be held responsible. Hamilton disapproved even of the initial proceeding, and frankly and earnestly declared that it was more than a mistake, that it was full of danger, and that its success would threaten the very existence of the government. Jefferson, who naturally listened with credulity to these reports, said that, while he would have joined in armed hostility against any act of usurpation, he would have cheerfully yielded to the election of Burr and taken the place of Vice-President, because, "however it might have been variant from the intentions of the voters, yet it would have been agreeable to the Constitution." The crisis did not grow out of any unfairness in the mode of the election by States, but out of an apprehended abuse of that mode of election, as that mode might be abused. Had the same dead-lock occurred by the equal division of the electoral or of the popular vote, a similar danger might have occurred. The danger was not in the system, but in the party makers which strove to pervert to party uses the mode appointed for continuing the government, and to do this, at the risk of destroying the government itself. There was not, in either case, just cause of complaint of the equality of the States in the election by the House. And in the result it proved that patriotism was too strong

for party, and some of the strongest Federalists, and these, it must be remarked, were from the smaller States—took the course which Hamilton advised from the beginning, and voted for Jefferson, or cast blank votes, which amounted to the same thing.

The lead in that patriotic act was taken by the grandfather of the Senator, may I not say the hereditary Senator whose credentials of re-election from Delaware, have just been read, and whose name has been borne in this chamber by three generations, *sans peur et sans reproche*.

Moreover, there is great advantage in keeping constantly in view the Federal character of the government, and the power of the States out of which the Republic grew. We have been compelled, in the great struggle for national existence, and in reorganizing government on the principles which prevailed in that struggle, to transfer to the general government power and authority which had hitherto been exercised by the States, and which we had been educated to believe could be best exercised by them. While the necessity of this sacrifice was to be regretted, no patriotic man regrets that it was rendered. In that way alone could the rights, the existence of the States themselves, be preserved.

Nor do I agree in all that is said about the unfairness of this mode of election. If the election were made originally by the States, each State having one vote, the objection urged to it would be unanswerable; but as the choice is confined to three candidates who have received the highest number of electoral votes, the only power of the House is to select which one of three men, high in the public confidence and favor, shall exercise the office, which must be exercised by somebody, and the people cannot decide upon whom to confer it. The action of the House is very different from a free election; it partakes of a judicial as well as of a political character.

In yielding my assent to the proposed amendment, I am not, therefore, influenced by appre-

hension of resistance to the election of the President, by the House of Representatives in the mode provided by the Constitution. But the existing system is an acknowledged failure of the expectations with which it was adopted. Nothing is perfect. The more we study the Constitution of the United States, the more we admire the wisdom with which it was framed, and the elasticity with which it adapts itself to enlarged limits, multiplied population, and altered conditions of society. But, in respect to the election of President and Vice-President, it never once fulfilled the intention, which was, that the electors should be unpledged men, not appointed for a mere ministerial office, but chosen for their character, their wisdom, their patriotism, to perform, according to their own judgment, the highest and most responsible duty that could be delegated by the constituents of a representative government to their most trusted public servants. Instead of that, the electors, as we all know, have been selected to vote for candidates already designated, and the characters of the electors does not even enter the consideration of the voters by whom they are chosen. The cumbrous machinery which interposes between the people and the candidates of their choice, performs no real service, and is only a needless obstacle and delay. But, more than this, it restricts the choice of the people; and, instead of leaving their election open to the whole body of the citizenship, confines it to those who have a sufficient following, in the State in which the voter lives, to receive the nomination of a full college of electors. And even should a candidate have a considerable support in the aggregate, it is all wasted, unless it can be concentrated in sufficient number in one State. A candidate may have powerful support and large minorities, scattered among five or six States, but, unless he has a plurality in some one State, every vote for him is thrown away. Practically, the chance is limited to two, or, at most, to three candidates; and these must

be the candidates of a recognized party, strong enough to perfect an organization, and to put an electoral ticket in the field. As the voter cannot vote for his candidate personally, he must vote for a number of candidates equal to the number of electors to which his State is entitled, and must find that number who are precisely of his way of thinking, and who will consent to serve, if elected; and moreover, they must be distributed all over the State. Nor can the voter select the President of one party and the Vice-President of another; he cannot vote for his choice for one of these officers, unless he accepts the candidate associated on the ticket with him. At the last election, the choice of every voter was practically restricted to Grant and Greeley. If he desired a man other than either of them, he had no way of making his choice effective, even to the extent of his own vote. Nor could he vote for Grant and Brown, or Greeley and Wilson. He was obliged to vote for Grant and Wilson, or for Greeley and Brown, or to throw away his vote, which he would do just as effectually by voting for any other candidate, or for any two of them, except on the ticket on which the two were associated.

A great evil of this is, that it strengthens and perpetuates, indeed, it makes quite necessary the caucus or convention, which has grown to be almost as much a part of our political system as though it were embodied in the Constitution, and which crushes the individuality of the voter, and makes him only a part of a great partisan machine, his only choice being, to which party he shall surrender his right of private judgment. How this opens the way for intrigues and disreputable combinations, and for conspiracies to obtain power for personal objects, how it pledges in advance, and as the price of support in the convention, that great patronage which the President wields, I need not point out. It would greatly purify our elections if the voters could select their candidates from the whole body of their fellow-citizens, uncon-

trolled by convention or caucus, and responsible only to their own sense of right. It would not, indeed, supersede the convention, but would deprive it of its tyranny, and make it responsible to a patriotic public opinion. The voter, if he did not like a candidate, would not be obliged to vote for him because there was no other way to vote, except for one that he liked still less. And this consideration would compel the nominating conventions to greater prudence and wisdom in the selection of candidates.

All the machinery of the existing system is absurd, and is an obstacle, rather than a facility, or any other theory than that upon which indeed, the Constitution was adopted, but which has utterly failed, that the electors should be unpledged men, charged with the duty of choosing a President according to their own judgment, and to what they might consider the public good, not controlled, or in any way directed by the popular voice, which it was supposed that they would guide, not follow. Every one argues that the system should be abandoned, that the theory of the election should be conformed to the practice, and that the machinery should be better adapted to the purpose which it is intended to accomplish.

At the same time, it is very much better to make the change with as little violence as is practicable to the traditions of the government, and to retain, as far as possible, all of the original intentions of the Constitution, except where the intention has manifestly failed in practice. Especially is it necessary to preserve the recognition of the States, in the two electors which belong to each equally, beyond those to which they are entitled on the basis of population. Not only is this right; but no amendment which failed to recognize this equality could obtain a two-thirds vote in this body, or receive the requisite assent of three-quarters of the States.

The amendment proposed, happily secures the right of individual selection, without infringing upon the rights already secured to the States.

It permits every voter to vote for the candidates of his choice for President and Vice-President, and yet preserves to the States the equivalent of the two electoral votes to which, by the original compact, they are entitled, in addition to those which are based on population. It presents the natural mode of election, and abolishes the unnecessary formalities which separate the people from the candidates. While it is desirable that the Chief Executive of the country should be elected by a majority of the people, and that his authority should rest on the broadest basis of the popular will, yet, since so desirable a result can only be attained by the general concurrence of opinion, which must be left to its own free expression, it is a matter of necessity that some expedient be resorted to, in the failure of such concurrence. To require an absolute majority to elect the President, might practically prevent an election; and if there be no one whom a majority of the people prefer, then the natural expedient is to elect that one whom the greater number prefer. In the first instance, absolute unanimity would be desirable; but that is practically impossible, so a majority is accepted; and by the same natural conclusion, if an absolute majority be unattainable, a plurality is next best. So plain is this, that, in nearly all the States, a plurality elects the State officers, executive, legislative, and when they are chosen by the people, the judicial; in some States, a majority is required for members of Congress on the first trial; but in all, a plurality elects on the second. Nor does the present mode of election secure a majority of the people to the election of President. It may happen, and has happened, that the candidate receiving a majority of the electoral vote is in a minority of the popular vote. On the whole, it must be admitted that, next to an absolute majority, a plurality presents the most natural and the fairest mode of election, and that the other expedients, however well planned, have not commended themselves in practice.

Although, therefore, I do not object to the election by the House of Representatives, for the reasons that have been stated elsewhere, I freely agree that it should be abandoned. It may seem, at first, that the smaller States make some surrender of power by changing the system which gives them an equal suffrage in the last resort. This might be true if the smaller States had some interest apart from the larger ones, and opposed to them. If it were so, I should recognize a deep, if not a fatal defect, in our political system. I see no such opposition of interests. Experience has shown that the questions which have organized parties, and divided the country, pass over State lines without noting them, and invade alike the large and the small States. There is nothing in the disparity of geographical limits which makes it possible that New York and Rhode Island shall separate on political questions, or that Delaware and Florida shall unite. The smaller States are distributed in all parts of the Union, East, West, North, South, and Middle. They have no purposes that are not as likely to be common to the larger States as to each other. All the apprehensions of a combination of the larger States, to the disadvantage of the smaller, have proved groundless. There is nothing for them to combine for, or against. The great interests of the country are common to all the States, and when there have been separate interests, real or imaginary, they have not been based on the territorial limits of the members of the Union. I do not, therefore, regard the surrender of the equal suffrage in the election by the House of Representatives, as an important concession. But I can plainly see that in the mode proposed, of election by districts, the overshadowing power of the great States is destroyed. They will no longer cast their solid vote for President, bearing down four or five of the smaller States, each of which may possibly cast a greater popular majority, the other way. New York may cast thirty-five votes for one candidate, while

the popular majority is less than that which Delaware, with but three votes, gives for the opposing candidate. The present system gives immense power to majorities, however small, in the great States, and disfranchises the minority, however near it rises toward the majority. Thus the State of New York, outside the city, may give a majority one way, and the overwhelming vote of the city, not the purest and most authentic, may reverse it, and carry, not only the force that properly belongs to the city, but the entire State, leaving to the rest of the State, to the great inland cities, to the rich rural districts, to the prosperous and enterprising communities, from the Hudson to the great lakes, no voice in the election, for which the heterogeneous and often the corrupt masses of the city speak, not for itself alone, but for the State. By the system proposed, the minority in each State will be represented, and a great State, divided nearly equally, will have no greater preponderance than a smaller State, united upon one candidate.

The frauds which in 1844 carried the thirty-six electoral votes of New York for Polk, under the present system, would, under the amendments proposed, have carried only the four votes in the city, and the inducement to the frauds would have been wanting, for the honest vote of the city was for Polk, and the frauds were perpetrated only to overbalance the suffrage of the interior. Thus the purity of the election would be greatly promoted by the change. The motive to fraud would be much diminished, and the effort of fraud would be much lessened.

The danger of a disputed election for President, in a State whose electoral vote would decide the contest, is a most curious one. There is no tribunal for the verification of the votes, and, although the election may be carried, notoriously, by fraud, or by violence, the electoral votes must be returned and corrected. The fraud or the violence may be punished, but the wrong they have committed remains, and

there is no redress for it. And the appointment of the electors being left entirely with the Legislatures of the States, there would be no mode or power of appointment, if a State Legislature should repeal the law directing the manner of the election. The Federal government has no power to perpetuate the executive authority. In the exciting election which resulted in the choice of Jefferson by the House of Representatives, the Legislature of Maryland was Federal, and it was supposed that the popular vote would be for Jefferson. It was seriously contemplated that the Legislature should repeal the law under which the electors were chosen by the people, and should choose them by the Legislature; and this, on the avowed ground that it was necessary to defeat the candidate whom it was supposed that the majority of the people preferred. This was recommended on no less authority than that of Charles Carroll, of Carrollton. When a man so pure, so patriotic, and so conservative, could see his way clear to make such a recommendation, what might be apprehended from heated partisans, and selfish aspirants for political power? If that suggestion had been carried out, and the ten electoral votes of Maryland had been given wholly for Adams, he would have been elected. They were divided equally between the two, each receiving five. Jefferson's total vote was seventy-three, Adams sixty-five. Had all the votes of Maryland been given for Adams, his total would have been swelled to seventy, and Jefferson's would have shrunk to sixty-eight; and the elections would have been strictly and unquestionably legal and constitutional. The Legislature of Maryland would have exercised no power but that which the Constitution clearly conferred upon it, and there was no authority to review its doings. Such a proposition, although not carried to the extent of a precedent, yet was urged on such authority as gives to it almost the weight of a precedent.

And be that as it may, it might have been

done then, and it might be done now; and those who resisted it would place themselves against the law, and expose themselves to the penalties of the law. A President thus elected, however he might lack the moral support which should underlie his great office, and be "every inch" a President, would command the Army, and the Navy, and must have the solemn judgment of the Supreme Court.

From all the difficulties of the existing system, from all the evils and the changes which experience has developed in it, the proposed amendment appears to offer a mode of relief; and, while it commends itself to all the States, I think that it is especially desirable to those, if any there still be, who apprehended the danger

to the smaller members of the Union, from ambition or the aggression of the larger.

Representing in part, one of the small States, but one of those which brought its original sovereignty into the compact; and which required no vote of the other States for admission into the government which she had her full share to establish, I give my consent to this important change, which is clearly for the general good; and which dividing all the States into single electoral districts, yet preserving to each the equal votes she has enjoyed, in recognition of her memberships in the Union, breaks down unhealthy, if not dangerous preponderance, the larger States possess.









BENJAMIN H. HILL.

ENGRAVED FOR ORATOR AND DEBATOR, FAIRBANKS PALMER & CO. PUB. SHEP.

## BENJAMIN H. HILL.

**B**ENJAMIN H. HILL was born in Jasper county, Georgia, September 14, 1823. He was favored with the best educational advantages of his State, and graduated from her State University in 1844. He chose the law for his profession, and was admitted to practice in 1845. He settled in Lagrange, and devoted himself to the study and practice of his profession, with a fidelity which insured him a large and lucrative business. In 1851 he was elected to the State Legislature, and in 1855 was an unsuccessful candidate for Congress, being supported by the Know-Nothing party, though, as he claimed, not a member of it. He supported Fillmore for the Presidency in 1856, and was the unsuccessful candidate of the American party for Governor in 1857. In 1859 he was elected to the State Senate, as a Union man, and in 1860 supported Bell for the Presidency. In 1861 he attended, as a delegate, the convention which passed the ordinance of secession. While he believed in the right to secede, he opposed the adoption of the ordinance; but, when the majority

of the convention decided in favor of it, he united with them, and followed the fortunes of his State. He was elected a member of the Provisional Congress, and assisted in organizing the government of the Confederate States, and was a member of the Confederate Senate from its organization to the close of the war; and in 1865 he spent three months as a prisoner in Fort La Fayette, New York. In 1872 he supported Greeley for President. He was elected to the House of Representatives in 1875, where he was recognized as a prominent leader of his party. His speech in favor of general amnesty ranks among the best ever delivered in Congress. He was elected to the Senate in 1877, and took a prominent part in the deliberations of that body until the time of his death, which occurred on the 16th day of August, 1882.

Mr. Hill was a man of no little power as an orator, and was always listened to with interest when he rose to speak. Though a member of the Senate so short a time, yet he had come to be a recognized leader in his party.

## AMNESTY.

*Mr. Hill's Speech, delivered in the House of Representatives, Jan. 11, 1876.*

MR. SPEAKER: Nothing could have been further from the desires and purposes of those who, with me, represent immediately the section of the country which yesterday was put upon trial, than to re-open this discussion of the events of our unhappy past. We had well hoped that the country had suffered long enough from feuds, from strife, and from inflamed passions; and we came here, sir, with a patriotic purpose to remember nothing but the country, and the whole country, and, turning our backs upon all the horrors of the past, to look with all earnestness to find glories for the future.

The gentleman who is the acknowledged leader of the Republican party upon this floor, who is the aspiring leader of the Republican party of this country, representing most manifestly the wishes of most of his associates—not all—has willed otherwise. They seem determined that the wounds which were healing shall be reopened, that the passions which were hushing shall be rekindled. Sir, I wish this House to understand that we do not reciprocate either the purpose or the manifest desire of the gentleman on the other side, and while we feel it our imperative duty to vindicate the truth of history as regards the section which we represent, feeling that it is a portion of this common country, we do not intend to say anything calculated to aid the gentlemen in their work of crimination and recrimination, and of keeping up the war by politicians after brave men have said the war shall end. The gentleman from Maine yesterday presented to the country two questions, which he manifestly intends to be the fundamental principles of the Republican party, or, at least, of those who fol-

low him in that party. The first is what he pleased to term the magnanimity and grace of the Republican party; the second is the brutality of those whom he is pleased to term "the rebels." Upon the first question, I do not propose to weary the House to-day. If, with the history of the last fifteen years fresh in the memory of this people, the country is prepared to talk about the grace and magnanimity of the Republican party, argument would be wasted. If, with masters enslaved, intelligence disenfranchised, society disorganized, industry paralyzed, States subverted, legislatures dispersed by the bayonet, the people can accord to that party the verdict of grace and magnanimity, may God save the future of our country from grace and magnanimity.

I advance directly to that portion of the gentleman's argument which relates to the question before the House. The gentleman from Pennsylvania [Mr. Randall] has presented to this House, and he asks it to adopt, a bill on the subject of amnesty, which is precisely the same as the bill passed in this House by the gentleman's own party, as I understand it, at the last session of Congress. The gentleman from Maine has moved a reconsideration of the vote by which it was rejected, avowing his purpose to be to offer an amendment. The main purpose of that amendment is to except from the bill one of the citizens of this country, Mr. Jefferson Davis.

He alleges two distinct reasons why he asks the House to make this exception. I will state those reasons in the gentleman's own language. First, he says that "Mr. Davis was the author, knowingly, deliberately, guiltily, and willfully,

of the gigantic murder and crime at Andersonville." That is a grave indictment. He then characterizes his second position, what he calls the horrors of Andersonville. And he says of them:

"And I here, before God, measuring my words, knowing their full extent and import, declare that neither the deeds of the Duke of Alva in the low countries, nor the massacre of Saint Bartholomew, nor the thumb-screws and engines of torture of the Spanish Inquisition, begin to compare in atrocity with the hideous crimes of Andersonville."

Sir, he stands before the country with his very fame in peril, if he, having made such charges, shall not sustain them. Now I take up the propositions of the gentleman in their order. I hope no gentleman imagines that I am here to pass in eulogy upon Mr. Davis. The record upon which his fame must rest has been made up, and he and his friends have transmitted that record to the only judge who will give him an impartial judgment—an honest, unimpassioned posterity. In the meantime, no eulogy from me can help him, no censure from the gentleman can damage him, and no act or resolution of this House can affect him. But the charge is that he is a murderer, and a deliberate, willful, scheming murderer of "the thousands of our fellow-citizens." Why, sir, knowing the character of the honorable gentleman from Maine, his high reputation, when I heard the charge fall from his lips, I thought surely the gentleman had made a recent discovery, and I listened for the evidence to justify that charge. He produced it; and what is it? To my utter amazement, as the gentleman from Pennsylvania [Mr. Kelley] has well stated, it is nothing on earth but a report of a committee of this Congress, made when passions were at their height, and it was known to the gentleman and to the whole country eight years ago.

Now, I say first in relation to that testimony, that it is exclusively *ex parte*. It was taken when the gentleman who is now put upon trial by it before the country was imprisoned and in chains, without a hearing, and without an op-

portunity to be heard. It was taken by enemies. It was taken in the midst of fury and rage. If there is anything in Anglo-Saxon law which ought to be considered sacred, it is the high privilege of an Englishman not to be condemned until he shall be confronted with the witnesses against him. But that is not all. The testimony produced by the gentleman is not only *ex parte*, not only exclusively the production of enemies, or at least taken by them, and in the midst of passion, but the testimony is mutilated, ingeniously mutilated, palpably mutilated, most adroitly mutilated. Why, sir, one of the main witnesses is Dr. Joseph Jones, a very excellent gentleman, who was called upon to give his testimony in what is called the Wirz trial, and which is produced before this House, and attention called to it by the gentleman. The object of the gentleman was to prove that Mr. Davis knew of these atrocities at Andersonville, and he calls the attention of the House to the report of this committee, and thanks God that it has been taken in time to be put where it can be neither contradicted nor gainsaid, as a perpetual guide to posterity to find out the author of these crimes.

One of the most striking and remarkable pieces of evidence in this whole report is found in the report made by Dr. Jones, a surgeon of fine character, and sent to Andersonville by the confederate authorities to investigate the condition of that prison. That gentleman made his report, and it is brought into this House. What is it? The first point is as to the knowledge of this report going to any of the authorities at Richmond. Here is what Dr. Jones says:

"I had just completed the report, which I placed in the hands of the judge-advocate, under orders from the government, when the confederacy went to pieces. That report never was delivered to the surgeon-general, and I was unaware that any one knew of its existence until I received orders from the United States government to bring it, and deliver it to this court in testimony."

Now, he was ordered by the United States government, the first time this report ever saw the light, to bring it and deliver it on the trial

of Wirz. In accordance with that order he did bring it, and deliver it to the judge-advocate-general. And when the report itself, or that which purported to be the report, was presented to him while he was a witness, he discovered that it was mutilated, and he asked permission to state that fact. Hear what he said on that subject:

"I beg leave to make a statement to the court. That portion of my paper which has been read is only a small part of the report. The real report contains the excuses which were given by the officers present at Andersonville, which I thought it right to embody with my report. It also contains documents forwarded to Richmond by Dr. White, and Dr. Stevenson, and others in charge of the hospitals. Those documents contained important facts as to the labors of the medical department, and their efforts to better the condition of things."

All that part of the report is suppressed; and with that suppression this magnificent spectacle of truth is filed away in the document-room for the information of posterity!

The committee ask him:

*Question.* Are your conclusions correctly stated in this extract?

*Answer.* Part of my conclusions are stated, not the whole. A portion of my conclusions, and also my recommendations, are not stated.

*Q.* Well, touching the subject of exchange?

*A.* Yes, sir; the general difficulties environing the prisoners and their officers.

*Q.* What became of your original report?

*A.* This is my original report. That is, he had there the extract as far as it went.

*Q.* Did you make this extract yourself? The committee seem to suspect that he was the man that simply made the extract, and brought it before the committee. Now, here is his answer:

*A.* I did not. My original report is in the hands of the Judge-Advocate. I delivered it into his hands immediately upon my arrival in Washington.

And this committee of Congress to which the gentleman refers, absolutely tells us that this mutilated report was the one introduced in evidence against this man Wirz, and it is the one incorporated in this book.

Now, I was to call attention to another extract from that original report—a part not included in this book. There are a great many such omissions; I have not been able to get all of them.

Dr. Jones in his report, is giving an account of the causes of the sickness and mortality at Andersonville; and he says among other things:

"Surrounded by these depressing agents, the postponement of the general exchange of prisoners, and the constantly receding hopes of deliverance through the action of their own government, depressed their already desponding spirits, and destroyed those mental and moral energies, so necessary for a successful struggle against disease and its agents. Home-sickness and disappointment, mental depression and distress, attending the daily longing for an apparently hopeless release, are felt to be as potent agencies in the destruction of these prisoners as the physical causes of actual disease."

Ah! why that homesickness, that longing, and the distress consequent upon it, and its effect in carrying those poor, brave, unfortunate heroes to death? I will tell this House before I am done.

Now, sir, there is another fact. Wirz was put on trial, but really Mr. Davis was the man intended to be tried through him. Over one hundred and sixty witnesses were introduced before the Military Commission. The trial lasted three months. The whole country was under military despotism; citizens labored under duress; and quite a large number of confederates were seeking to make favor with the power of the government. Yes, sir, during those three months, with all the witnesses they could bring to Washington, not one single man mentioned the name of Mr. Davis in connection with a single atrocity at Andersonville, or elsewhere. The gentleman from Maine, with all his research into all the histories of the Duke of Alva, the massacre of St. Bartholomew, and the Spanish Inquisition, has not been able to brighten up such a witness yet.

Now, sir, there is a witness on this subject. Wirz was condemned, found guilty, sentenced to be executed, and I have now before me, the written statement of his counsel, a Northern man, and a Union man. He gave this statement to the country, and it has never been contradicted.

Hear what this gentleman says:

On the night before the execution of the prisoner

Wirz, a telegram was sent to the Northern press from this city, stating that Wirz had made important disclosures to General L. C. Baker, the well-known detective, implicating Jefferson Davis, and that the confession would probably be given to the public. On the same evening some parties came to the confessor of Wirz, Rev. Father Boyle, and also to me as his counsel, one of them informing me that a high Cabinet officer wished to assure Wirz, that if he would implicate Jefferson Davis with the atrocities committed at Andersonville, his sentence would be commuted. The messenger requested me to inform Wirz of this. In the presence of Father Boyle, I told Wirz next morning what had happened."

Hear the reply:

"Captain Wirz simply and quietly replied: 'Mr. Schade, you know that I have always told you that I do not know anything about Jefferson Davis. He had no connection with me as to what was done at Andersonville. I would not become a traitor against him, or anybody else, even to save my life.'"

Sir, what Wirz, within two hours of his execution would not say for his life, the gentleman from Maine says to the country to keep himself and his party in power. Christianity is a falsehood, humanity is a lie, civilization is a cheat, or the man who would not make a false charge for his life, was not guilty of willful murder.

He who makes a charge, must produce his witnesses. They must be informed witnesses. They must be credible witnesses. The gentleman from Maine makes his charge, but produces no witnesses. He says that men sent by Jefferson Davis to Andersonville, were his officers, executing his orders, commissioned by him, and he therefore charges Mr. Davis with these atrocities by inference. It was only when the gentleman reached that portion of his argument, that I thought I began to discover the real purpose of his movement. I will not charge him with it, but a suggestion came immediately to my mind.

What was the proposition which the gentleman proposes to establish? It is, that those high in authority are to be charged with the sins and treacheries of their agents, commissioned by them, and acting under their orders. Is the gentleman artfully—I beg pardon—under the cover of the prejudice and passion against Jefferson Davis, seeking to assault President Grant?

If Jefferson Davis sent General Winder to Andersonville, why, President Grant sent McDonald and Joyce to Saint Louis. Nay, more, sir; is not the very Secretary of the White House, the private, confidential secretary; indicted to-day for complicity in these frauds? Does the gentleman want to establish a rule of construction, by which he can authorize the country to arraign General Grant for complicity in the whisky frauds?

Sir, is General Grant responsible for the Credit Mobilier? Was he a stockholder in the Sanborn contracts? Was he co-partner in the frauds upon this District? With all his witnesses, the gentleman can never find a single man who was confidential secretary of Mr. Davis, and charged with complicity in crime, that Mr. Davis ever indorsed any man as fit for office who was ever gravely charged with any complicity in fraud. Yet the gentleman's President, as I understand it, absolutely sent to the Senate of the United States for confirmation to a high office, the very man who stood charged before the country with the grossest speculations and frauds in this District, and that, too, after these charges were made, and while the investigation was pending.

Sir, I am neither the author, nor the disciple, of such political logic. And I will not, nor would I for any consideration, assume the proposition before this House to punish an enemy which would implicate the President of the United States in the grossest frauds. Yet, if the gentleman's proposition be true, General Grant, instead of being entitled to a third Presidential term, is entitled to twenty years in twenty penitentiaries. But, sir, he is not guilty. The argument is false. It is a libel upon the American rule of law and English precedent. You cannot find its precedent anywhere in any civilized country. I acquit General Grant of complicity in the whisky frauds and revenue frauds, and the facts acquit Mr. Davis of complicity in any atrocity anywhere.

Now, Mr. Speaker, I pass from the construction of that question, to the real facts about Andersonville. First, I want to call the attention of the House to the law of the Confederate government on the subject of the treatment of prisoners. I read from the act of the Confederate Congress on that subject; it was very simple and direct:

"The rations furnished prisoners of war shall be the same in quantity and quality as those furnished to enlisted men in the army of the Confederacy."

That was the law; that was the law Mr. Davis approved, and that was the law that he, so far as his agency was concerned, executed.

The gentleman in his speech went so far as to say that Mr. Davis purposely sent General Winder to Andersonville to organize a den of horrors, and kill Federal soldiers. I do not quote exactly his language, but I know it is "to organize a den of horrors;" but I am sure that I cannot use any language more bitter than the gentleman used himself. Therefore, the next thing I will read is the order given for the purpose of locating this prison at Andersonville, or wherever it should be properly located. The official order for the location of the stockade enjoins that it should be in a "healthy locality, with plenty of pure water, with a running stream, and, if possible, with shade trees, and in the immediate neighborhood of grist and saw mill." That does not look like the organization of a den of horrors to commit murder. That was the official order. That was not all. These prisoners at Andersonville were not only allowed the rations measured out to Confederate soldiers, both in quantity and quality in every respect, but they were allowed also to buy as much outside as they desired; a privilege, I am reliably informed, which was not extended to many of the Confederate prisoners. I do not know how that is.

I do not wish to charge it, if the facts were otherwise. But in the book which the gentleman from Maine himself produces, we find this testimony given by a Union soldier. He says:

"We never had any difficulty in getting vegetables; we used to buy almost anything we wanted of the sergeant who called the roll mornings and nights. His name was Smith, I think; he was Captain Wirz's chief sergeant. We were divided into messes, eight in each mess; my mess used to buy from two to four bushels of sweet potatoes a week, at the rate of \$15, Confederate money, per bushel."

They got \$20 Confederate money for \$1 of greenbacks in those days.

"Turnips we bought at \$20 a bushel. We had to buy our own soap for washing our own persons and clothing; we bought meat, and eggs, and biscuit. There seemed to be an abundance of those things; they were in the market constantly. That sergeant used to come down with a wagon-load of potatoes at a time, bringing twenty or twenty-five bushels at a load sometimes."

Now, sir, Mr. Davis himself alluded to that privilege which was allowed to the Federal soldiers. The Confederate authorities not only allowed them to purchase supplies as they pleased outside, in addition to the rations allowed them by law—the same rations allowed to Confederate soldiers—but he says:

"By an indulgence, perhaps unprecedented, we have even allowed the prisoners in our hands to be supplied by their friends at home with comforts not enjoyed by the men who captured them in battle."

The Confederate government gave Federal prisoners the same rations that Confederate soldiers in the field received. Federal prisoners had permission to buy whatever else they pleased, and the Confederates gave their friends at home permission to furnish them the means to do so. And yet, Mr. Speaker, it is true, that, in spite of all these advantages enjoyed by these prisoners, there were horrors, and great horrors, at Andersonville. What were the causes of these horrors? The first was want of medicine. That is given as a cause by Dr. Jones in his testimony; that is given by this very Father Hamilton, from whom the gentleman from Maine read. In the very same testimony which the gentleman read, Father Hamilton says:

I conversed with Dr. White with regard to the condition of the men, and he told me it was not in his power to do anything for them; that he had no medicine, and could not get any, and that he was doing everything in his power to help them."

Now, how was it that medicines and other



essential supplies could not be obtained? Unfortunately, they were not in the Confederacy. The Federal government made medicine contraband of war, and I am not aware that any other nation on the earth ever did such a thing before—not even the Duke of Alva, sir. The Confederate government, unable to introduce medicines, according to its right under the laws of nations, undertook to run the blockade, and wherever possible, the Federal Navy captured its ships, and took the medicines. Then, when no other resource was left, when it was suspected that the women of the North—the earth's angels, God bless them—would carry quinine and other medicines of that sort, so much needed by Federal prisoners in the South, Federal officers were charged to capture the women and examine their petticoats, to keep them from carrying medicines to Confederate soldiers and to Federal prisoners, and they were imprisoned. Surely, sir, the Confederate government, and the Southern people, are not to be blamed for a poverty in medicines, food, and raiment, enforced by the stringent war measures of the Federal government—a poverty which had its intended effect of immeasurable distress to the Confederate armies, although it incidentally inflicted unavoidable distress upon the Federal prisoners in the South.

The Federal government made clothing contraband of war. It sent down its armies and they burned up the factories of the South, wherever they could find them, for the express purpose of preventing the Confederates from furnishing clothes to their soldiers, and the Federal prisoners, of course, shared this deprivation of comfortable clothing. It was the war policy of the Federal government to make supplies scarce. Dr. Jones, in his testimony, and Father Hamilton, in his testimony, which I will not stop to read to the House, explained why clothing was so scarce to Federal prisoners.

Now, then, sir, whatever horrors existed at Andersonville, not one of them could be attrib-

uted to a single act of legislation of the Confederate government, but every horror of Andersonville grew out of the necessities of the occasion, which necessities were cast upon the confederacy by the war policy of the other side. The gentleman from Maine said that no Confederate prisoner was ever maltreated in the North. And when my friend answered from his seat, "A thousand witnesses to the contrary in Georgia alone," the gentleman from Maine joined issue, but, as usual, produced no testimony in support of his issue. I think the gentleman from Maine is to be excused. For ten years, unfortunately, he and his have been reviling the people who were not allowed to come here to meet the reviling. Now, sir, we are face to face, and when you make a charge, you must bring your proof. The time has passed when the country can accept the impudence of assertion for force of argument, or recklessness of statement for the truth of history.

Now, sir, I do not wish to unfold the chapter on the other side. I am an American. I honor my country, and whole country, and it could be no pleasure to me to bring forward proof that any portion of my countrymen have been guilty of willful murder, or of cruel treatment to poor manacled prisoners. Nor will I make any such charge. These horrors are inseparable, many of them, and most of them, from a state of war. I hold in my hand a letter, written by one who was a surgeon at the prison at Elmira, and he says:

"The winter of 1864-5 was an unusually severe and rigid one, and the prisoners arriving from the Southern States during the season were mostly old men and lads, clothed in attire suitable only to the genial climate of the South. I need not state to you that this alone was ample cause for an unusual mortality among them. The surroundings were of the following nature, namely: Narrow, confined limits, but a few acres in extent—"

And Andersonville, sir, embraced twenty-seven acres—

"And through which slowly flowed a turbid stream of water, carrying along with it all the excremental filth and debris of the camp; this stream of water, horrible to relate, was the only source of supply, for an extended

period, that the prisoners could possibly use for the purpose of ablution, and to slake their thirst from day to day; the tents and other shelter allotted to the camp at Elmira were insufficient and crowded to their utmost extent; hence small pox and other skin diseases raged through the camp.

"Here I may note, that, owing to a general order from the government to vaccinate the prisoners, my opportunities were ample to observe the effects of spurious and diseased matter, and there is no doubt in my mind but that syphilis was engrafted in many instances; ugly and horrible ulcers and eruptions, of a characteristic nature, were alas! too frequent and obvious to be mistaken. Small-pox cases were crowded in such a manner that it was a matter of impossibility for the surgeon to treat his patients individually; they actually lay so adjacent that the simple movement of one would cause his neighbor to cry out in an agony of pain. The confluent and malignant type prevailed to such an extent and of such a nature that the body would frequently be found one continuous scab.

"The diet and other allowances of the government for the use of the prisoners were ample, yet the poor unfortunates were allowed to starve."

Now, sir, the Confederate regulations authorized ample provision for Federal prisoners, the same that was made for Confederate soldiers. And you charge that Mr. Davis is responsible for not having those allowances honestly supplied. The United States made provision for Confederate prisoners, so far as rations were concerned, for feeding those in Federal hands; and yet, what says the surgeon? "They were allowed to starve."

"But, 'why?' is a query which I will allow your readers to infer, and to draw conclusions therefrom. Out of the number of prisoners, as before mentioned, over three thousand of them now lie buried in the cemetery located near the camp for that purpose—a mortality equal to, if not greater, than that of any prison in the South. At Andersonville, as I am well informed by brother-officers who endured confinement there, as well as by the records at Washington, the mortality was twelve thousand out of, say, forty thousand prisoners. Hence it is readily to be seen that the range of mortality was no less at Elmira than at Andersonville."

MR. PLATT. Will the gentleman allow me to interrupt him a moment to ask where he gets that statement?

MR. HILL. It is the statement of a Federal surgeon published in the New York "World."

MR. PLATT. I desire to say that I live within thirty-six miles of Elmira, and that those statements are unqualifiedly false.

MR. HILL. Yes, and I suppose if one rose

from the dead, the gentleman would not believe him.

MR. PLATT. Does the gentleman mean to say that those statements are true?

MR. HILL. Certainly I do not say that they are true, but I do say that I believe the statement of the surgeon in charge before that of a politician thirty-six miles away. Now, will the gentleman believe testimony from the dead? The Bible says: "The tree is known by its fruits." And after all, what is the test of suffering of these prisoners, North and South? The test is the result. Now I call the attention of gentlemen to this fact, that the report of Mr. Stanton, the Secretary of War—you will believe him, will you not!—on the 19th of July, 1866—send to the Library and get it—exhibits the fact, that of the Federal prisoners in Confederate hands, during the war, only 22,576 died, while of the Confederate prisoners in Federal hands 26,436 died. And Surgeon-General Barnes reports in an official report—I suppose you will believe him—that in round numbers the Confederate prisoners in Federal hands amounted to 220,000, while the Federal prisoners in Confederate hands amounted to 270,000. Out of the 270,000 in Confederate hands 22,000 died, while of the 220,000 Confederates in Federal hands over 26,000 died. The ratio is this: More than 12 per cent. of the Confederates in Federal hands died, and less than 9 per cent. of the Federals in Confederate hands died. What is the logic of these facts, according to the gentleman from Maine? I scorn to charge murder upon the officials of Northern prisons as the gentleman has done upon Confederate prison officials. I labor to demonstrate that such miseries are inevitable in prison life, no matter how humane the regulations. I would scorn, too, to use a newspaper article, unless it were signed by one who gave his own name, and whose statement, if not true, can be disproved; and I would believe such a one in preference to any politician over there who was thirty-six miles away from Elmira.

That gentleman, so prompt to contradict a surgeon, might perhaps have smelled the small-pox, but he could not see it, and I venture to say that if he knew the small-pox was there, he would have taken very good care to keep thirty-six miles away. He is a wonderful witness. He is not even equal to the mutilated evidence brought in yesterday. But, sir, it appears from the official record that the confederates came from Elmira, from Fort Delaware, and from Rock Island, and other places, with their fingers frozen off, with their toes frozen off, and with their teeth dropped out.

But, the great question is behind. Every American, North or South, must lament that our country has ever impeached its civilization by such an exhibition of horrors on any side, and I speak of these things with no degree of pleasure. God knows if I could hide them from the view of the world, I would gladly do it. But the great question is, at least, who was responsible for this state of things? And that is really the only material question with which statesmen now should deal. Sir, it is well known, that, when the war opened, at first the authorities of the United States determined that they would not exchange prisoners. The first prisoners captured by the Federal forces were the crew of the Savannah, and they were put in chains and sentenced to be executed. Jefferson Davis, hearing of this, communicated through the lines, and the Confederates having meanwhile also captured prisoners, he threatened retaliation in case those men suffered, and the sentences against the crew of the Savannah were not executed. Subsequently our friends from this wav—I believe my friend before me from New York [Mr. Cox] was one—insisted that there should be a cartel for the exchange of prisoners. In 1862 that cartel was agreed upon. In substance and briefly, it was, that there should be an exchange of man for man, and officer for officer, and whichever held an excess at the time of exchange, should parole the excess.

This worked very well until 1863. I am going over the facts very briefly.

MR. STARKWEATHER. I do not wish, and none on this side wish to interrupt the gentleman. I believe he has spoken over his hour. We desire that he shall speak as long as he chooses, but we wish to have a free discussion, and want a little time on this side.

THE SPEAKER. The gentleman from Georgia has not exhausted his hour yet.

MR. HILL. I was reciting briefly the facts. In 1863 this cartel was interrupted; the Federal authorities refused to continue the exchange. Now commenced a history which the world ought to know, and which I hope the House will grant me the privilege of stating, and I shall do it from official records. This I say frankly to the gentlemen on the other side, was in truth one of the severest blows struck at the Confederacy; this refusal to exchange prisoners in 1863 continued through 1864. The Confederates made every effort to renew the cartel. Among other things, on the 2d of July, 1863, the Vice-President of the Confederacy, the gentleman to whom the gentleman from Maine [Mr. Blaine] alluded the other day in so complimentary terms, Mr. Alexander H. Stephens, was absolutely commissioned by President Davis to cross the lines and come to Washington to consult with the Federal authorities, with a broad commission to agree upon any cartel satisfactory to the other side, for the exchange of prisoners. Mr. Davis said to him, "Your mission is simply one of humanity, and has no political aspect." Mr. Stephens undertook that work. What was the result? I wish to be careful, and I will state this exactly, correctly. Here is his letter:

"CONFEDERATE STATES STEAMER TORPEDO, }  
"In James River, July 4, 1863.

"SIR: As military commissioner, I am the bearer of a communication in writing from Jefferson Davis, commander-in-chief of the land and naval forces of the Confederate States, to Abraham Lincoln, Commander-in-Chief of the land and naval forces of the United States. Hon. Robt. Ould, Confederate States agent of exchange, accompanies me as secretary, for the purpose of delivering the communication in person, and conferring upon

the subject to which it relates. I desire to proceed to Washington in the steamer Torpedo, commanded by Lieutenant Hunter Davidson, of the Confederate States navy, no person being on board but Hon. Mr. Ould, myself, and the boat's officers and crew.

"Yours most respectfully,

"ALEX. H. STEPHENS."

"To S. H. LEE, *Admiral.*"

This was directed to S. H. Lee, Admiral. Here is the answer:

"ACTING REAR-ADMIRAL S. H. LEE, *Hampton Roads:*

"The request of Alexander H. Stephens is inadmissible.

GIDEON WELLS,

"Secretary of the Navy."

You will acknowledge that Mr. Stephens' humane mission failed. The Confederate authorities gave to that mission as much dignity and character as possible. They supposed that of all men in the South, Mr. Stephens most nearly had your confidence. They selected him to be the bearer of messages for the sake of humanity in behalf of the brave Federal soldiers who were unfortunately prisoners of war. The Federal government would not even receive him; the Federal authorities would not hear him.

What was the next effort? After Mr. Stephens' mission failed, and after the commissioner for the exchange of prisoners, Colonel Ould, having exhausted all his efforts to get the cartel renewed, on the 24th of January, 1864, wrote the following letter to Major-General E. A. Hitchcock, agent of exchange on the Federal side:

"CONFEDERATE STATES OF AMERICA, }  
WAR DEPARTMENT,  
Richmond, Virginia, January 24, 1864. }

"SIR: In view of the present difficulties attending the exchange and release of prisoners, I propose that all such on either side shall be attended by a proper number of their own surgeons, who, under rules to be established, shall be permitted to take charge of their health and comfort. I also propose that these surgeons shall act as commissaries, with power to receive and distribute such contributions of money, food, clothing, and medicines, as may be forwarded for the relief of the prisoners. I further propose that these surgeons shall be selected by their own government, and that they shall have full liberty, at any and all times, through the agents of exchange, to make reports, not only of their own acts, but of any matters relating to the welfare of the prisoners.

"Respectfully your obedient servant,

"MAJOR-GENERAL E. A. HITCHCOCK,

"Agent of Exchange.

"ROBERT OULD,

"Agent of Exchange."

THE SPEAKER. The hour of the gentleman has expired.

MR. RANDALL. I move the gentleman from Georgia be allowed to proceed.

MR. BLAINE. I do not object; but before the gentleman from Georgia passes from the subject upon which he is now speaking, I would be glad to know—

THE SPEAKER. If there be no objection, the gentleman from Georgia will have leave to proceed.

There was no objection.

MR. BLAINE. I believe the gentleman from Georgia was a member of the Confederate Senate. I find in a historical book of some authenticity of character, that, in the Confederate Congress, Senator Hill, of Georgia, introduced the following resolution, relating to prisoners—

MR. HILL. You are putting me on trial, now, are you? Go ahead.

MR. BLAINE. This is the resolution:

"That every person pretending to be a soldier or officer of the United States who shall be captured on the soil of the Confederate States after the 1st of January, 1863, shall be presumed to have entered the territory of the Confederate States with the intent to incite insurrection, and abet murder; and, unless satisfactory proof be adduced to the contrary before the military court before which the trial shall be had, shall suffer death. This section shall continue in force until the proclamation issued by Abraham Lincoln, dated at Washington on the 22d day of September, 1862, shall be rescinded, and the policy therein announced shall be abandoned, and no longer."

MR. HILL. I will say to the gentleman from Maine very frankly, that I have not the slightest recollection of hearing that resolution before.

MR. BLAINE. The gentleman does not deny, however, that he was the author of it?

MR. HILL. I do not know. My impression is that I was not the author; but I do not pretend to recollect the circumstances. If the gentleman can give me the circumstances under which the resolution was introduced, they might recall the matter to my mind.

MR. BLAINE. Allow me to read further:

"October 1, 1862.—The Judiciary Committee of the Confederate Congress made a report, and offered a set of

resolutions upon the subject of President Lincoln's proclamation from which the following are extracts:

"2. Every white person who shall act as a commissioned, or non-commissioned officer commanding negroes or mulattoes against the Confederate States, or who shall arm, organize, train, or prepare negroes or mulattoes for military service, or aid them in any military enterprise against the Confederate States, shall, if captured, suffer death.

"3. Every commissioned or non-commissioned officer of the enemy who shall incite slaves to rebellion, or pretend to give them freedom, under the aforementioned Act of Congress and proclamation, by abducting, or causing them to be abducted, or inducing them to abscond, shall, if captured, suffer death."

Thereupon Senator Hill of Georgia, is recorded as having offered the resolution I have read.

MR. HILL. I was chairman of the Judiciary Committee of the Senate.

MR. BLAINE. And this resolution came directly from that committee?

MR. HILL. It is very probable that, like the chairman of the committee on the Rules at the last session, I may possibly have consented to that report.

MR. BLAINE. The gentleman, then, admits that he did make that report?

MR. HILL. I really do not remember it. I think it very likely.

A MEMBER (to Mr. Blaine). What is the book?

MR. BLAINE. The book from which I have read is entitled, "Republicanism in America," by R. Guy McClellan. It appears to be a book of good credit and authenticity. I merely want it settled whether the gentleman from Georgia was or was not, the author of that resolution.

MR. HILL. I say to the gentleman frankly, that I really do not remember.

MR. BLAINE. The gentleman does not say he was not the author.

MR. HILL. I do not. I will say this; I think I was not the author. Possibly I reported the resolution. It refers in terms to "pretended," not real, soldiers.

MR. BLAINE. I thought that, inasmuch as the gentleman's line of argument was to show the character of the Confederate policy, this might

aid him a little in calling up the facts pertinent thereto.

MR. HILL. With all due deference to the gentleman, I reply he did not think any such thing. He thought he would divert me from the purpose of my argument, and break its force by—

MR. BLAINE. O no.

MR. HILL. He thought he would get up a discussion about certain measures presented in the Confederate Congress, having no relation to the subject now under discussion, but which grew out of the peculiar relation of the Southern States to a population then in servitude—a population which the Confederate government feared might be incited to insurrection—and measures were doubtless proposed, which the Confederate government may have thought it proper to take, to protect helpless women and children in the South from insurrection. But I shall not allow myself to be diverted by the gentleman, to go either into the history of slavery, or of domestic insurrection, or, as a friend near me suggests, "John Brown's Raid." I know this; that if I, or any gentleman on the committee was the author of that resolution, which I think more than probable, our purpose was not to do injustice to any man, woman, or child, North or South, but to adopt what we deemed stringent measures within the laws of war, to protect our wives and children from servile insurrection and slaughter, while our brave sons were in the front. That is all, sir.

But sir, I have read a letter from the Confederate Commissioner of Exchange, written in 1864, proposing that each side send surgeons with the prisoners; that they nurse and treat the prisoners; that the Federal authorities should send as many as they pleased; that those surgeons be commissioned also as commissaries to furnish supplies of clothing, and food, and everything else they needed for the comfort of the prisoners.

Now, sir, how did the Federal government treat that offer? It broke the cartel for the ex-

change of prisoners; it refused to entertain a proposition, even when Mr. Stephens headed the commission, to renew it; and then, sir, when the Confederates proposed that their own surgeons should accompany the prisoners of the respective armies, the Federal authorities did not answer the letter. No reply was ever received.

Then, again, in August, 1864, the Confederates made two more propositions. I will state that the cartel of exchange was broken by the Federal authorities, for certain alleged reasons. Well, in August, 1864, prisoners accumulating on both sides to such extent, the Federal government having refused every proposition from the Confederate authorities to provide for the comfort and treatment of prisoners, the Confederates next proposed, in a letter from Colonel Ould, dated the 10th of August, 1864, waiving every objection the Federal government had made, to agree to any and all terms to renew the exchange of prisoners, man for man, and officer for officer, as the Federal government should prescribe. Yet, sir, the latter rejected that proposition. It took a second letter to bring an answer to that proposition.

Then, again, in that same month of August, 1864, the Confederate authorities did this: Finding that the Federal government would not exchange prisoners at all, that it would not let surgeons go into the Confederacy; finding that it would not let medicines be sent into the Confederacy; meanwhile, the ravages of war continuing and depleting the scant supplies of the South, which was already unable to feed adequately its own defenders, and much less able to properly feed and clothe the thousands of prisoners in Confederate prisons, what did the Confederates propose? They proposed to send the sick and wounded prisoners without equivalent. Now, sir, I want the House and the country to understand this: That in August, 1864, the Confederate government officially proposed to the Federal authorities that if

they would send steamships, or transportation in any way to Savannah, they should have their sick and wounded prisoners without equivalent. That proposition, communicated to the Federal authorities in August, 1864, was not answered until December, 1864. In December, 1864, the Federal government sent ships to Savannah. Now the records will show that the chief suffering at Andersonville was between August and December. The Confederate authorities sought to avert it by asking the Federal government to come and take its prisoners without equivalent, without return, and it refused to do that until four or five months had elapsed.

That is not the only appeal which was made to the Federal government. I now call the attention of the House to another appeal. It was from the Federal prisoners themselves. They knew as well as the Southern people did, the mission of Mr. Stephens. They knew the offer of January 24, for surgeons, for medicines and clothing, for comforts and food, and for provisions of every sort. They knew the Confederate authorities had offered to let these things be sent to them by their own government. They knew that had been rejected. They knew of the offer of August 10, 1864. They knew of the other offer to return sick and wounded without an equivalent. They knew all these offers had been rejected. Therefore, they held a meeting, and passed the following resolutions; and I call the attention of the gentlemen on the other side to these resolutions. I ask if they will not believe the surgeons of their hospitals; if they will not believe Mr. Stanton's reports, if they will not believe Surgeon-General Barnes' report; I beg from them to know if they will not believe the earnest, heartrending appeal of those starving, suffering heroes? Here are the resolutions passed by the Federal prisoners on the 28th of September, 1864.

*"Resolved,* That, while allowing the Confederate authorities all due praise for the attention paid to our prisoners, numbers of our men are daily consigned to early graves, in the prime of manhood, far from home and

kindred, and this is not caused intentionally by the Confederate government, but by the force of circumstances."

Brave men are always honest, and true soldiers never slander. They say the horrors they suffered were not intentional, that the Confederate government had done all it could to avert them. Sir, I believe this testimony of gallant men as being of the highest character, coming from the sufferers themselves.

They further resolved:

"The prisoner is obliged to go without shelter, and in a great portion of cases, without medicine.

"*Resolved*, That, whereas, in the fortune of war, it was our lot to become prisoners, we have suffered patiently, and are still willing to suffer, if by so doing we can benefit the country; but we would most respectfully beg to say that we are not willing to suffer to further the ends of any party or clique to the detriment of our own honor, our families, and our country. And we would beg this affair to be explained to us, that we may continue to hold the government in the respect which is necessary to make a good citizen and soldier."

Was this touching appeal heeded? Let any gentleman who belonged to the "clique or party" that the resolutions condemn, answer for his party.

Now, sir, it was in reference to that state of things exactly that Dr. Jones reported, as I have already read to the House, in his report which was mutilated before that committee of Congress, and in the trial of Wirz—it was in consequence of that very state of things that Dr. Jones said that depression of mind and despondency and homesickness of these poor prisoners carried more to their graves than did physical causes of disease. That was not wonderful at all.

But, Mr. Speaker, why were all these appeals resisted? Why did the Federal authorities refuse to allow their own surgeons to go with their own soldiers and carry them medicine, and clothing, and comfort, and treatment? Why? Why did they refuse to exchange man for man, and officer for officer? Why did they refuse to stand up to their own solemn engagements, made in 1862, for the exchange of prisoners? Who is at fault? There must be a reason for this. That is the next point to which I wish to

call the attention of the House. Sir, listen to the reading. The "New York Tribune," referring to this matter in 1864, said—I suppose you will believe the "Tribune" in 1864, if you do not believe it now:

"In August the Rebels offered to renew the exchange of man for man. General Grant then telegraphed the following important order: 'It is hard on our own men held in Southern prisons not to exchange them, but it is humanity to those left in the ranks to fight our battles. Every man released on parole or otherwise, becomes an active soldier against us at once, either directly or indirectly. If we commence a system of exchange which liberates all prisoners taken, we will have to fight on till the whole South is exterminated. If we hold those caught they amount to no more than dead men.' At this particular time to release all Rebel prisoners North, would insure Sherman's defeat, and would compromise our safety here."

MR. GARFIELD. What date is that?

MR. HILL. Eighteen hundred and sixty-four.

MR. GARFIELD. What date in that year?

MR. HILL. I do not note the day or month.

I have read the telegram which was taken from the "New York Tribune," after August, 1864.

Here is General Grant's testimony before the committee on the exchange of prisoners, February 11, 1865. You believe him, do you not?

"*Question*. It has been said that we refused to exchange prisoners because we found ours starved, diseased, and unserviceable when we received them, and did not like to exchange sound men for such men."

That was the question propounded to him. His answer was:

"*Answer*. There never has been any such reason as that. That has been a reason for making exchanges. I will confess that if our men who are prisoners in the South were really well taken care of, suffering nothing except a little privation of liberty, then in a military point of view, it would not be good policy for us to exchange, because every man they get back is forced right into the army at once, while that is not the case with our prisoners when we receive them; in fact, the half of our returned prisoners will never go into the army again, and none of them will until after they have had a furlough of thirty or sixty days. Still, the fact of their suffering as they do, is a reason for making this exchange as rapidly as possible.

"*Q*. And never has been a reason for not making the exchange?

"*A*. It never has. Exchange having been suspended by reason of disagreement on the part of agents of exchange on both sides before I came in command of the armies of the United States, and it then being near the opening of the spring campaign, I did not deem it advisable or just

to the men who had to fight our battles to reinforce the enemy with thirty or forty thousand disciplined troops at that time. An immediate resumption of exchanges would have had that effect without giving us corresponding benefits. The suffering said to exist among our prisoners South, was a powerful argument against the course pursued, and so I felt it."

There was no disputing the fact that, with the knowledge that his prisoners were suffering in the South, he insisted that the exchange should not be renewed, because it would increase the military power of the enemy. Now, that may have been a good military reason. I do not quote it for the purpose of reflecting on General Grant in the slightest. I am giving the facts of history. I insist that the Confederacy shall not be held responsible for the results of the war policy of the Federal government, especially when the record proves that the Confederate authorities made every possible effort to avert these results. Nor do I allege inhumanity on the part of General Grant or the Federal government. I give you the facts, and I have given you General Grant's interpretation of those facts. Let the world judge.

Now, sir, we have other authority upon that subject. Here is a letter by Junius Henri Browne. I do not know the gentleman. He signs his name to the letter. He writes like a scholar. He is a Northern gentleman, and I am not aware that his statement has ever been contradicted. Now, what does he say?

"NEW YORK, August 8, 1865.

"Moreover, General Butler, in his speech at Lowell, Massachusetts, stated positively that he had been ordered to put forth the negro question to complicate and prevent the exchange. \* \* \* Every one is aware that when the exchange did take place not the slightest alteration had occurred in the question, and that our prisoners might as well have been released twelve or eighteen months before as at the resumption of the cartel, which would have saved to the Republic at least twelve or fifteen thousand heroic lives.

"That they were not saved is due alone to Mr. Edwin M. Stanton's peculiar policy and dogged obstinacy; and as I have remarked before, he is unquestionably the digger of the unnamed graves that crown the vicinity of every Southern prison with historic and never-to-be-forgotten horrors."

This is the testimony of a Northern man against Mr. Stanton. And he goes on:

"I regret the revival of this painful subject, but the gratuitous effort of Mr. Dana to relieve the Secretary of War from a responsibility he seems willing to bear, and which merely as a question of policy independent of all considerations of humanity, must be regarded as of great weight, has compelled me to vindicate myself from the charge of making grave statements without due consideration.

"Once for all, let me declare that I have never found fault with any one because I was detained in prison, for I am well aware that was a matter in which no one but myself, and possibly a few personal friends would feel any interest; that my sole motive for impeaching the Secretary of War was that the people of the loyal North might know to whom they were indebted for the cold-blooded and needless sacrifice of their fathers and brothers, their husbands and their sons."

I understand that Mr. Browne is a contributor to Harper's Monthly, and was then. The man, so he tells you, who was responsible for those atrocities at Andersonville, was the late Secretary of War, Mr. Stanton.

Now, Mr. Speaker, what have I proven? I have proven that the Federal authorities broke the cartel for the exchange of prisoners deliberately; I have proven that they have refused to re-open that cartel, when it was proposed by Mr. Stephens as a commissioner, solely on the ground of humanity; I have proven that they made medicine contraband of war, and thereby left the South to the dreadful necessity of treating their own prisoners with such medicines as could be improvised in the Confederacy; I have proven that they refused to allow surgeons of their own appointment, of their own army, to accompany their prisoners in the South, with full license and liberty to carry food, medicine, and raiment, and every comfort that the prisoners might need; I have proven that, when the Federal government made the pretext for interrupting the cartel for the exchange of prisoners, the Confederates yielded every point, and proposed to exchange prisoners on the terms of the Federal government, and that the latter refused it; I have proven that the Confederates then proposed to return the Federal sick and wounded, without equivalent in August, 1864, and never got a reply until December, 1864; I have proven that high Federal officers gave as a reason why



they should not exchange prisoners, that it would be humanity to the prisoners, but cruelty to the soldiers in the field, and therefore, it was a part of the Federal military policy to let Federal prisoners suffer, rather than that the Confederacy should have an increase of its military force, and the Federal government refused it, when by such exchange, it would have received more prisoners than it returned to the Confederates.

Now, what is the answer to all this? Against whom does the charge lie, if there are to be accusations of any, for the horrors of Andersonville?

MR. BRIGHT. What was the percentage of death in the prisons?

MR. HILL. I have already given it. I have proved also, that, with all the horrors at Andersonville, the gentleman from Maine has so ostentatiously paraded, and for an obvious partisan purpose of exciting upon this floor a bitter sectional discussion, from which his party, and perhaps himself, may be the beneficiary, greater sufferings occurred in the prisons where Confederate soldiers were confined, and that the percentage of death was 3 per cent. greater among Confederate troops in Federal hands, than among Federal soldiers held by the Confederates. And I need not state the contrast between the needy Confederacy, and the abundance of Federal supplies and resources.

Now, sir, when the gentleman rises again to give breath to that effusion of unmitigated genius, without facts to sustain it, in which he says: "And I here before God, measuring my words, knowing their full extent and import, declare that neither the deeds of the Duke of Alva in the low countries, nor the massacre of St. Bartholomew, nor the thumbscrews and engines of torture of the Spanish Inquisition, begin to compare in atrocity with the hideous crime of Andersonville," let him add that the mortality at Andersonville and other Confederate prisons, falls short by more than 3 per cent. the mortality in Federal prisons.

Sir, if any man will reflect a moment, he will see that there was reason why the Confederate government should desire exchange of prisoners. It was scarce of food, pinched for clothing, closed up with a blockade of its ports; it needed troops; its ranks were thinning.

Now, Mr. Speaker, it is proper that I should read one or two sentences from the man who has been arraigned as the vilest murderer in history. After the battles around Richmond, in which McClellan was defeated, some ten thousand prisoners fell into the hands of the Confederacy. Victory had perched upon its standard, and the rejoicing naturally following victory was heard in the ranks of the Confederate army. Mr. Davis went out to make a gratulatory speech. Now, gentlemen of the House, gentlemen of the other side, if you are willing to do justice, let me simply call your attention to the words of this man, that then fell from his lips in the hour of victory. Speaking to the soldiers, he said:

"You are fighting for all that is dearest to man; and though opposed to a foe who disregards many of the usages of civilized war, your humanity to the wounded and the prisoners, was a fit and crowning glory of your valor."

Above the victory, above every other consideration, even that victory which they believed insured protection to their homes and families, he tells them that at last, their crowning glory was their humanity to the wounded and prisoners who had fallen into their hands.

The gentleman from Maine yesterday introduced the "Richmond Examiner," as a witness in his behalf. Now, it is a rule of law, that a man cannot impeach his own witness. It is true, the "Examiner" hated Mr. Davis with a cordial hatred. The gentleman could not, perhaps, have introduced the testimony of a bitterer foe to Mr. Davis. Why did it hate him? Here are its reasons. "The chivalry and humanity of Jefferson Davis will inevitably ruin the Confederacy." That is your witness, and the witness is worthy of your cause. You in-

introduced the witness to prove Mr. Davis guilty of inhumanity, and he tells you that the humanity of Mr. Davis will ruin the Confederacy. That is not all. In the same paper it says: "The enemy have gone from one unmanly cruelty to another, encouraged by their impunity, till they are now, and have for some time been, inflicting on the people of this country, the worst horrors of barbarous, and uncivilized war." Yet in spite of all this, the "Examiner" alleged "Mr. Davis in his dealing with the enemy was as gentle as a sucking dove."

MR. GARFIELD. What volume is that?

MR. HILL. The same volume, page 531, and is taken from the "Richmond Examiner"—the paper the gentleman quoted from yesterday. And that is the truth. Those of us who were there at the time know it to be the fact. One of the persistent charges brought by that paper, and some others, against Mr. Davis, was his humanity. Over and over again Mr. Davis has been heard to say, and I use his very language, when applied to, to retaliate for the horrors inflicted upon our prisoners: "The inhumanity of the enemy to our prisoners can be no justification for a disregard by us of the rules of civilized war, and of Christianity." Therefore he persisted in it, and this paper cried out against him that it would ruin the Confederacy.

I am sure I owe this House an apology for having detained it so long; but I shall detain it but a few moments longer. After all, what should men do who really desire the restoration of peace, and to prevent the recurrence of the horrors of war? How had they ought to look at this question? Sir, war is always horrible; war always brings hardships; it brings death, it brings sorrow, it brings ruin, it brings devastation. And he is unworthy to be called a statesman, looking to the pacification of his country, who will parade the horrors inseparable from war for the purpose of keeping up the strife that produced the war.

I do not doubt that I am the bearer of unwell-

come messages to the gentleman from Maine and his party. He says that there are Confederates in this body, and that they are going to combine with a few from the North for the purpose of controlling this government. If one were to listen to the gentlemen on the other side he would be in doubt whether they rejoiced more when the South left the Union, or regretted most when the South came back to the Union that their fathers helped to form, and to which they will forever hereafter contribute as much of patriotic ardor, of noble devotion, and of willing sacrifice as the constituents of the gentleman from Maine. O Mr. Speaker, why cannot gentlemen on the other side rise to the height of this great argument of patriotism? Is the bosom of the country always to be torn with this miserable sectional debate, whenever a presidential election is pending? To that great debate of half a century before secession there were left no adjourned questions. The victory of the North was absolute, and God knows the submission of the South was complete. But, sir, we have recovered from the humiliation of defeat, and we come here among you, and we ask you to give us the greetings accorded to brothers by brothers. We propose to join you in every patriotic endeavor, and to unite with you in every patriotic aspiration that looks to the benefit, the advancement, and the honors of every part of our common country. Let us, gentlemen of all parties, in this centennial year, indeed have a jubilee of freedom. We divide with you the glories of the Revolution and of the succeeding years of our national life before that unhappy division—that four years' night of gloom and despair—and so we shall divide with you the glories of all the future.

Sir, my message is this: There are no Confederates in this House; there are now no Confederates anywhere; there are no Confederate schemes, ambitions, hopes, desires, or purposes here. But the South is here, and here she intends to remain. Go on and pass your qualify-

acts, trample upon the Constitution you : sworn to support, abrogate the pledges of r fathers, incite rage in our people, and ltiply your infidelities until they shall be e the stars of heaven, or the sands of the ashore, without number; but know this, for all our iniquities the South will never again seek remedy in the madness of another secession. We are here; we are in the house of our fathers, our brothers are our companions, and we are at home to stay, thank God.

We come to gratify no revenges, to retaliate no wrongs, to resent no past insults, to re-open no strife. We come with a patriotic purpose to do whatever in our political power shall be, to restore an honest, economical, and constitutional administration of the government. We come, charging upon the Union no wrongs to us. The Union never wronged us. The Union has been an unmixed blessing to every section, to every State, to every man of every color in America. We charge all our wrongs upon that "higher law," fanaticism, that never kept a pledge, nor obeyed a law. The South did seek to leave the association of those who, she believed, would not keep fidelity to their covenants; the South sought to go to herself; but so far from having lost our fidelity for the Constitution which our fathers made, when we sought to go we hugged that Constitution to our bosoms, and carried it with us. Brave Union men of the North, followers of Webster and Fillmore, of Clay, and Cass, and Douglas—you who fought for the Union for the sake of the Union; you, who ceased to fight when the battle ended, and the sword was sheathed—we have no quarrel with you, whether Republicans or Democrats. We felt your heavy arm in the carnage of battle; but, above the roar of the cannon, we heard your voice of kindness calling: "Brothers come back!" And we bear witness to you this day, that that voice of kindness did more to thin the Confederate ranks and weaken the Confederate arm than did all the

artillery employed in the struggle. We are here to co-operate with you; to do whatever we can, in spite of all our sorrows, to rebuild the Union, to restore peace; to be a blessing to the country, and to make the American Union what our fathers intended it to be; the glory of America, and a blessing to humanity.

But to you, gentlemen, who seek still to continue strife, and who, not satisfied with the sufferings already endured, the blood already shed, the waste already committed, insist that we shall be treated as criminals, and oppressed as victims, only because we defended our convictions—to you we make no concessions. To you who followed up the war after the brave soldiers that fought it had made peace, and gone to their homes—to you we have no concession to offer. Martyrs owe no apologies to tyrants.

Yet, while we make to you no concession, we come even to you in no spirit of revenge. We would multiply blessings in common for you and for us. We have one ambition, and that is to add our political power to the patriotic Union men of the North, in order to compel fanaticism to obey the law, and live in the Union according to the letter and spirit of the Constitution.

Sir, we did the Union one great wrong. The Union never wronged the South; but we of the South did to the Union one great wrong; and we come as far as we can, to repair it. We wronged the Union grievously when we left it to be seized and rent and torn by the men who had denounced it as "a covenant with hell, and a league with the devil." We ask you, gentlemen of the Republican party, to rise above all your animosities. Forget your own sins. Let us unite to repair the evils that distract and oppress the country. Let us turn our backs upon the past, and let it be said in the future, that he shall be the greatest patriot, and truest patriot, the noblest patriot, who shall do most to repair the wrongs of the past, and promote the glories of the future.

## OMAR D. CONGER.

**M**ICHIGAN, though a comparatively young State, has reason to be proud of the leading men she has given the nation, and Omar D. Conger is one of the best. He was born at Coopers-town, New York, in 1818, and six years later his father removed to Huron county, Ohio. Here the embryo statesman and legislator received the first elements of an education in the common schools, and afterward attended the Huron University, at Milan, Ohio, where he completed his preparatory studies. He then entered the Western Reserve College, and completed a thorough collegiate education. He was a laborious and thorough student—particularly enthusiastic in scientific studies, and devoting particular attention to geology and mineralogy. In 1842 he completed his course, and received his diploma. Three years later he was employed in the geological survey of the mineral regions of Lake Superior. Three years were spent in these congenial explorations, and they were years of mental profit as well as toil. In 1848 Mr. Conger abandoned

his scientific investigations, and settled down to the practice of law at Port Huron, Michigan, where he at present resides.

He proved himself an able and successful lawyer, and in 1850 was elected Judge of the Court for Saint Clair county. In 1855 he was chosen a member of the State Senate, and so able and acceptable was he as a legislator that he was re-elected for the terms in 1857 and 1859. His popularity and ability were recognized, in 1859, by his election as President *pro tem* of the Senate.

In 1866 he was a member of the Constitutional Convention. In 1868 he was elected a member of the Forty-first Congress, and was successively elected to the Forty-second, Forty-third, Forty-fourth, Forty-fifth, Forty-sixth, and Forty-seventh Congresses. His long service in the House made him an able and influential member of that body, and ample opportunity was afforded for the use of all his powers. Ever on the alert, he detected the first sign of danger in any proposed legislation; and, as skillful as watchful, he was the means of preventing much





bad legislation, as well as helping on in the beneficial.

Before taking his seat in the Forty-seventh Congress, the Legislature of his State called him to a higher post; and, on the 4th of March, 1881, he took his seat in the United States Senate. Mr. Conger is Chairman of the Senate Com-

mittee on Manufactures—one of the most important branches of public industry. He has proved himself one of the most important debaters in Congress, and is singularly well-informed on all matters pertaining to the public welfare; and Michigan shows her wisdom in keeping him in the service he so highly honors.



### EULOGY ON JOHNSON.

*Mr. Conger's remarks, delivered in the House of Representatives, January 11, 1876.*

MR. SPEAKER: In this age of the world, the development and character of the individual man is the result of generations of human growth. The victories of the warrior, the achievements of the statesman—and the fanciful creations of the poet, are made possible by the existing conditions of society, and are so looked from, and commingled with, the innumerable circumstances of human progress, as to render it uncertain to what extent they originate in the individual intellect and will, and how far they are the result of myriad unseen agencies.

In the dawn of human existence, man, himself a new-wrought miracle, without revelation or tradition, wandered amid the marvels of a new creation, to wonder, admire, and adore. We can scarcely realize through what centuries he must have passed from that primitive period of child-like simplicity and instructive adoration, through the slow development of the idea of the heroic, the beautiful, the religious, and the practical, until he could comprehend the laws of the physical and intellectual world, and tower among millions of the human race, the type and representative of the marvelous civilization of the nineteenth century! Every age

has marked man's progress, and every great advance in mental and moral culture has had some typical representative of the aggregate development of his social and moral attributes.

On this occasion we pause for a moment in the base avocations of life, to pay the tribute of our respect to the memory of one of our distinguished compeers, who, having exemplified almost every vicissitude of earthly fortune, having attained the highest place of power, and having afterward entered upon a pathway untrodden by any predecessor, has obeyed the inexorable mandate—to rest from his labors on earth.

I have thought, sir, while other gentlemen portrayed his life and character more accurately and eloquently than I have the ability to do, it might not be inappropriate for me to refer to some peculiarities in the life and character of this distinguished citizen, which illustrate conditions of fortune that could only exist in American civilization, and under American institutions.

Sir, I have believed from early youth, with emotions of pride and gratitude which I have no language to express, that we live in an age,

and are citizens of a country, whose laws, policy, and free institutions, in their true intention and result, opened to every child of the Republic alike, the royal road to education, culture, distinction, and honor—the royal highway that leads to everything and all things that are garnered in our grand inheritance of freedom, to which the immortal soul might honorably aspire, across which arrogance should build no barricade, and ignorance no trench; where wealth should never jostle the poor, nor pride override the humble; where virtue might pass with fearless step, and devotion might worship at every wayside shrine!

With such reflections, Mr. Speaker, I commend to my countrymen the study of the life and character of Andrew Johnson, as illustrating more distinctly than any other example which now occurs to my memory, the spirit, the tendencies, and the possibilities of American institutions.

Neither the occasion, nor my own inclination, will permit more than a brief reference, but the American citizen may inquire with pride, where else could the child of poverty and ignorance, under like circumstances, have risen to the highest honors of the State? In what other land, and under what other civilization, could woman have become at once the wife and the teacher of the wandering mechanic, and, accompanying and encouraging his upward progress to honor and power, could have imparted to her daughters such delicate culture and gentle training, that, even amid the splendors of the capital, and the throngs of beauty, they could disarm envy by their virtues, and excite admiration by their simplicity!

Under what other division of power, between the general government, the States, and the people, could the subject of an impeachment and prosecution, the most remarkable and determined ever witnessed in our land, have undergone so fiery an ordeal, and afterward so far commanded the respect of political friends and

foes, that his return to the Senate should meet with general approval?

That he was gifted with remarkable powers, none will deny. With a strong intellect, untiring industry, an indomitable will, and an ambition that gathered intensity, alike from defeat and success; with little of that personal sympathy which could control the multitude by its electric influence, and with a directness and obstinacy arising in part from physical organization, but more from the mental habitudes peculiar to the varied circumstances of his condition, his life exhibits a greater variety of the phases of character that spread all the way from unworthy littleness to moral grandeur, than that of any other statesman whose name illustrates American history.

He was considerate in his friendships, vindictive in his enmities, unforgiving of injury, but moderate in victory. With a blunt honesty of purpose, and acknowledged integrity of character, he marshaled his forces, and controlled the situation, more through an involuntary respect and an undefined fear, than from personal favor and affection.

Remembering his early life, he was ever the friend of the poor, from whose ranks he had risen, yet lacked the loftiness of soul which would have prevented his taking an unworthy pride in humbling the pretensions of wealth, and the ostentation of birth.

His zeal for the homeless and landless poor never flagged, and his indomitable love of the Union, and struggles for the perpetuity of free institutions, challenge the admiration of the world; and even his ceaseless reiterations of his love of the Constitution, although exciting the ridicule of political opponents, were in harmony with his lifelong actions and professions.

Sir, there were occasions in his life, rendered sublime by his heroic courage, and indomitable zeal, for the honor, the Union, and the Constitution of his country, which history will emblazon upon its pages; and when the prejudices



sions of the hour shall have passed away, y will inscribe them upon his monument. r-handed justice will attribute his foibles ults to his early struggles with poverty and e imperfection of early culture and educa- d to the anomalous condition of the social ation in the midst of which he lived; he memory of his countrymen will linger those nobler manifestations of his cour- d patriotism in preserving those glorious ions that invited him from the depths of ice and want to the high places of useful- d honor.


llustrious example will quicken the gen- d stimulate the energy of ten thousand n of poverty and toil, to strive for higher , and search for nobler fields of useful- d honor, and it may admonish the patriot atesman, with renewed emphasis, that in re perfect education and virtue of all the

people, lies the only safe reliance for the perpe- tuity of our free institutions, and the future glory of our country.

Sir, there are nobler things in life than wealth and power; there are far richer treasures for the citizen than lie hidden in the mine, for neither the vast outlines of our domain, nor the illimit- able wealth within its borders, neither the grandeur of our encircling mountains, nor the beauty of our silver streams, neither rapidly multiplying States, populous cities, nor the un- rivaled expanse of rural cultivation, can awaken in the breast such emotions of pride and patriot- ism as the unfaltering belief that, through all, and over all this glorious land, are established such laws and such institutions as will preserve forever, as the irreversible inheritance of the American people, "the absolute equality of manhood, and the universal enjoyment of equal rights."



## SAMUEL BELL MAXEY.

 HE newer States of the Union are bound to the older ones by close ties of relationship. The prominent leaders in most of the Western States—those west of the Mississippi—are natives of some State farther east, and look back to their ancestral homes with feelings of affection and pride.

Such is the case with Samuel Bell Maxey, of Texas. He is a native of Kentucky. He was born in Monroe county, in that State, on the 30th of March, 1825. He received the elements of a thorough education there, and in 1842 was appointed a cadet in West Point Military Academy, and graduated, after the full time, in 1846. He went immediately to Monterey, and joined the Seventh Infantry, in which he was appointed a brevet second lieutenant. He served during the remainder of the war with Mexico, and distinguished himself by gallant service at the battles of Contreras and Churubusco, for which he was breveted first lieutenant. After the close of the war, Lieutenant Maxey tired of army life, and, in 1849, resigned his com-

mission, and returned home, where he engaged in the study of law, and in 1851 was admitted to the bar. After practicing for several years, he decided to go westward, and selected Texas as his future home. He settled at Paris, in that State, in 1857, and entered upon the practice of law.

In 1861 the road to political prominence was opened before him by an election to the State Senate. This, however, he declined, that he might enter the military service of the Confederate States. He was largely instrumental in raising the Ninth Texas Infantry for service, and was commissioned its colonel. His military training, and previous experience in the army, made him an important character in the Southern army. In 1862 he was made a Brigadier-General, and, in 1864, a Major-General. From 1863 to 1865 he commanded a military district of the Indian Territory, and at the same time he was Superintendent of Indian Affairs. In May, 1865, he surrendered with the remainder of the trans-Mississippi department, and at once returned to his home in



SAMUEL B. MAXEY.

ENGRAVED BY J. B. HARRIS. FROM A PHOTOGRAPH BY T. B. HARRIS.

1. The first part of the document is a list of names and addresses of the members of the committee.

Texas, where he resumed the practice of his profession. In April, 1873, he was commissioned as Judge of the Eighth District of Texas, but declined the appointment, and continued his practice. Two

years later he entered Congress as a Senator from Texas, to succeed James W. Flanagan. So acceptable were his services in his first term, that, on its expiration, he was continued for another term.



### THE CENTENNIAL EXPOSITION.

*Mr. Maxey's Speech, delivered in the United States Senate, February 9, 1876.*

MR. PRESIDENT: If I can have the attention of the Senate for a few moments I will give briefly the reasons why I shall support the measure now pending.

The preamble of the Constitution reads

"We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

There are six great objects set forth in that preamble why the Constitution was made: A more perfect union, justice, domestic tranquility, the common defense, the general welfare, and the grand purpose of securing the blessings of liberty to the framers of the Constitution, the people of the United States, and their posterity forever. I believe the Constitution carries out by apt and appropriate words every one of these great objects named. I believe that the purpose and design of the framers of the Constitution, and of the States which, in convention assembled, ratified that Constitution, are fully carried out in apt and appropriate words in the body of the Constitution. So believing, I have not been troubled with these doubts in regard to the constitutionality of this measure that seems to have troubled some gentlemen.

I regard the measure, Mr. President, as tending to form a more perfect union; I regard

this measure as conducing to domestic tranquility; and for these reasons, if I had no others, I would support it. But, sir, if I had a doubt in regard to it, when I look to the great train of precedents commencing in 1791, and winding up with the last precedent when the waters of the Mississippi had overflowed a whole country, and put people at the point of starvation, when the grasshopper was infesting the Western States, I take it for granted that when we have these precedents, which have been voted for and advocated, and approved by such men as Jefferson, Henry Clay, Daniel Webster, and the great master-mind of Mr. Calhoun himself, that doubt would be resolved in favor of the measure, more especially as I regard the end and aim to be accomplished as right in itself.

Mr. President, we have passed through a great war. That war, like all other civil wars, left some of its bad effects in the minds of the people. Passions were engendered, and it was difficult to allay those passions. I believe that those passions are gradually giving way, and that the country is coming back to the condition of peace again. I have seen the good effects of an intermingling of the people, North, South, East, and West. A few years ago a delegation from the Congress of the United States passed through the State which I have the honor in part to represent, from the Red

River to the Gulf of Mexico, and wherever they went, they were received by the people with all the hospitality that the people of the South are proverbial for, and when they came home, even as far as Maine, they scattered the news wherever they went, that the people of Texas, at least, were not the character of people which they had been represented to be, but that they were hospitable and sociable.

Mr. President, another great occasion did still more good than that. I should say in regard to that, that it was the initial point of that intermingling of the people, North and South, which culminated last year in the addition of 300,000 to the population of our State, a large portion of whom came from the Northern States. When you had the Centennials at Concord, and Lexington, and Bunker Hill, last year, when men who went from the South to Massachusetts were received there with ovations by the people of New England, it showed the people of the South that when you struck the great heart of the people there was no animosity left, but that the soldiers who had worn the blue, and worn the gray, met like brethren, carrying out the great idea of Bayard Taylor, that

"The bravest are the tenderest,  
The loving are the daring."

Mr. President, this at Philadelphia will be on a grander scale. There you will see not only people from the North, and people from the South, from the East, and from the West, but people from all parts of the world will be there. Let the people of the great sections of this Union meet together; let them pass day after day and week after week together, knowing each other. The people of the North will see that the people of the South are men like themselves, having no malice toward the North on account of the war; and the people of the South will see the same of those of the North. This intermingling of the people will have a happy influence, in my judgment, and will do more toward breaking down the asperities of

the war and bringing the people together than any other one thing.

That is the view I take of it; and if that be the result, even partially, the million and a half of dollars will be well spent. If we can form a more perfect union, if fraternal concord between the various sections of this country can be promoted by this measure, the money will be well expended. But, sir, in an economic point of view, as was suggested by one of the gentlemen who have spoken, I would vote for it on that account. In the vaults of the banks in the North, millions and millions of dollars are locked up. Capitalists cannot receive employment for their money; money cannot be loaned at any reasonable interest; while the people of the South, with their magnificent lands, their undeveloped country, cannot obtain money upon any terms. Let the people become better acquainted with each other, and that want of confidence, which is the foundation and corner stone of all the trouble that is in the country at this time, will disappear. Let the people of the North, South, East, and West, know each other, and it will go greatly toward restoring confidence; and when confidence is restored again, peace and prosperity will follow.

These, Mr. President, are a few of the reasons which induce me to vote for the measure. I believe it will be a measure in the interest of peace. I believe it will be a measure in the interest of prosperity. I want to see this whole country prosper. I know that there are men who seem to regard anything which may be said by one like myself, who, in the last great war wore the gray, and fought under the banners of the Confederacy, as not being sincere, as coming only from the lips. But, sir, I want the people of the Union to know that these gentlemen around me from the extreme Southern States have, upon every occasion, so far as the vote has been taken, voted for this measure because they want peace, they want prosperity, they want that fraternal union which was de-

signed by our forefathers when they framed the Constitution. I want to see

A union of States none can sever,  
A union of hearts and a union of hands,  
And the flag of our Union forever.

When I took the oath before the Vice-President, whose death was commemorated the other day in the Senate, to support the Constitution of the United States, I meant what I said. I meant that I want that Constitution carried out in full faith; I meant that I want the six great objects which are named in the preamble to the Constitution carried out to the letter; I meant that I want a more perfect Union; I meant that I want domestic tranquility; I want justice established in every part and parcel of this great country, and I want the common defense provided for, and the general welfare provided for, and I want the liberties of the American people secured now and forever. Let us come together, burying our little sectional animosities, and act like one great people, standing together for the Union; and I say it, who fought against that Union to the best of my ability. Let us stand up together and remember that brave men following out their convictions, according to the way they believed the right to be, may differ. The man who cannot understand that on a difference of judgment honest men may differ, knows nothing of human nature. Take a jury of the country, which has heard the same testimony and the same arguments, and received the same charge from the court. That jury go out, honest men, and they differ. Can you say that one part of that jury is honest, and another dishonest? When you submit a constitutional question to the highest judicial tribunal known to America, you find the court divided, as has often been the case recently in our Supreme Court. Can you say that one part of that court is honest, and another part dishonest? And when you come to a great national question, such as brought on the late civil war, I ask you as honest men, can you say that one

part, because they thought one way, were just and right, and the other, treacherous and wrong?

Sir, the causes which brought about the war, commenced away back in the early part of our history. A little thread will spring out from the main body of the Mississippi through the levee; it cannot be seen; but year after year it grows, and gains strength; the water presses into it, and after awhile, a tremendous crevasse comes, and the whole country is flooded with a great waste of water. So it was in this late war. The conflict of ideas which ultimately resulted in civil war began years ago. A little thread just at the outset of the Union, was going on, gathering strength, gathering power, gathering force, until, after a while, this conflict of ideas, this war of convictions, became a war in fact, and resulted in such a civil war as the world never saw before. Can you tell me that you were right, and I was wrong? Can I say to you, sir, that I was right, and you were wrong? I give to the men who followed their convictions according to what they conceived to be the right, credit for honesty. I claim for the people of my country, the same honesty. I believe that, when the people of the North and the South, the East and the West, meet and talk together, when they again come together face to face, and talk over these matters, it will do more to break down the asperities still outcropping from the late war, than all things else put together. For these reasons, I believe this Centennial celebration, which will be on a grander scale than anything of the kind in America before, will have great good.

I have another reason for supporting this bill. I see gentlemen from the North almost solidly vote for this Centennial Exposition to celebrate the one hundredth anniversary of American Independence. Sir, when I remember that my ancestors on both sides, were in the Revolutionary war, struggling for the liberty and independence of the American Colonies; when I know that Virginia, North Carolina, South

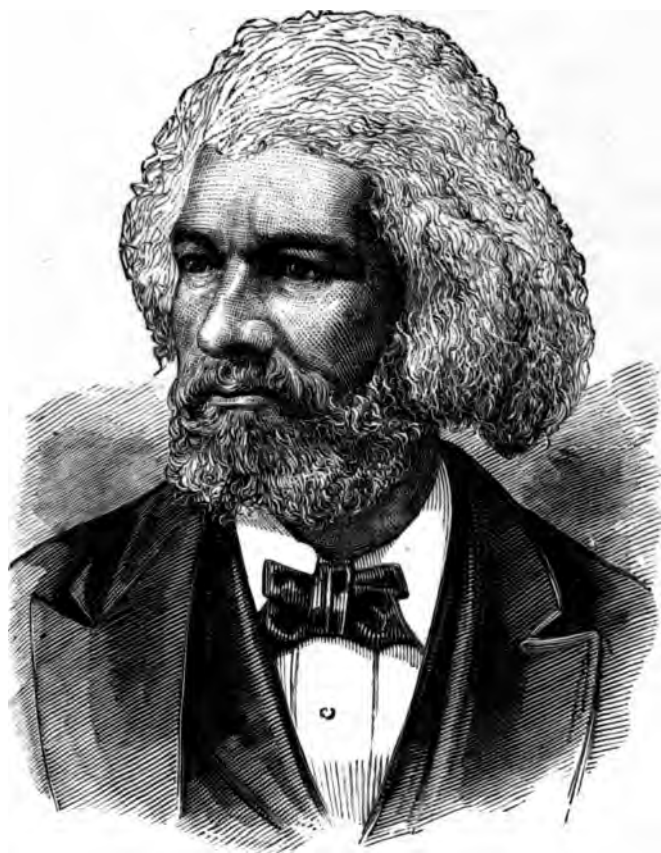
Carolina, and Georgia, sent out their full quota of men to that seven years' long and desperate struggle, and that their sons fought for the liberty and independence of the States which had declared themselves free and independent on the 4th of July, 1776, I, as one of the descendants of the men who were in that struggle, claim the right to be represented at the Centennial anniversary of their work. I claim, as one of the descendants of the men who gave to America her liberty, the right to be represented, and I claim for my constituents, the same right. Sir, I represent in part, the State of Texas, whose gallantry has never yet been questioned. Go to the Alamo. Unlike Thermopylæ, the Alamo had no one left to tell the story. Go to

San Jacinto which gave birth to a Republic to Mexico; go into this late war; trace it from Gettysburg to Arizona, and wherever you go you will find the gallant soldier of Texas in the front of his breast to leaden hail, and the storm of cannon and shell, never turning his back, but always facing the front. I represent such men; and I represent to the Senate of the United States, that the men whom I represent, entertain the same opinion of the war that I do, and I am speaking the sentiment of the great and glorious State which I, in part, represent, when I express the views that I have expressed here to-day. I shall vote for the war for these reasons, and many others that I cannot give, but which I do not think it necessary to enumerate.









FREDERICK DOUGLASS.

ENGRAVED FOR CRAYCHIE AND CRAYCHIE, FARRINGTON, PALMER & CO., PUBLISHERS.

## FREDERICK DOUGLASS.

FREDERICK DOUGLASS, who has won distinction as an orator, lecturer, and writer, is the son of a slave mother by a white man. He was born at Tuckahoe, Talbot county, Maryland, 1817.

He lived as a slave-boy on the plantation of Colonel Edward Lloyd for about six years, when he was sent to live with the wife of his master's, in the city of Baltimore. While living there he was employed in a ship-yard, and committed the crime—in a slave—of learning to read and write. The same spirit prompted him to this step, intensified by the influence the accomplishment had on him, unfitted him for the life of a slave.

On the 3d of September, 1838, he was in execution a long-cherished wish, and fled from Baltimore, with his wife and child, to a ship-yard and hated institution of slavery. He went first to New York, then to Bedford, Massachusetts, where he found employment as a day laborer in the ship workshops, and along the wharves of the harbor. He remained in Bedford about two or three years,

and during his stay married a colored woman who lived in the town.

The Anti-Slavery question was then agitating the minds of the people, and, as a result of his own personal knowledge and experience, Mr. Douglass took a lively interest in the subject, and the destinies of his race. In 1841 he attended an Anti-Slavery Convention in Nantucket, and made such a favorable impression by an eloquent address which he delivered, that he was offered, and accepted, the agency of the Massachusetts Anti-Slavery Society. He held this position for four years, during which time he traveled and lectured through his own and other New England States, constantly increasing his own information and power to benefit his cause and race. He published his autobiography in 1845, and soon after embarked for Europe. He remained abroad about two years, and lectured in most of the larger cities of Great Britain. In 1846 many who had become interested in his cause in England, contributed the sum of £150 to procure his legal manumission from slavery. On returning to this country,

he established a paper called "The North Star," in 1847. The paper was published at Rochester, New York, and in a short time the title was changed to "Frederick Douglass' Paper." The paper was published in the interests of his race, and enabled its publisher to reach large masses of people every week. In 1855, he revised, enlarged, and issued a new edition of his autobiography, under the new title of "My Bondage and My Freedom."

When the difficulties preceding the war stirred the enmity of the slaveholders toward the North, Mr. Douglass, on account of his prominent activity, came in for his full share of it; and, when the John Brown raids occurred, Governor Wise, of Virginia, made a requisition on the Governor of Michigan, where Douglass then was, for his arrest. Mr. Douglass went abroad, and remained in England the greater part of a year, when he returned, and resumed the publication of his paper in Rochester.

On the breaking out of the war, he urged upon President Lincoln the employment of colored troops, and, when that was agreed upon, he busied himself in enlisting such soldiers.

When slavery was no more, Mr. Douglass discontinued his paper, and traveled and lectured extensively, doing much by his eloquent words of good common sense to prepare the people for granting the larger boon of full citizenship to his long oppressed people.

In September, 1870, he entered the editorial field once more, in connection with the "New National Era," published in Washington; which paper was afterwards carried on by his sons.

In 1871 President Grant appointed him Secretary of the San Domingo Commission, and on his return he was appointed one of the Territorial Council of the District of Columbia. In 1872 he was elected Presidential Elector-at-large for the State of New York, and was chosen as messenger to carry the returns to Washington.

He was nominated by President Hayes as Marshal of the District of Columbia, and on the 17th of March, 1877, the appointment was confirmed by the Senate. Mr. Douglass has performed the duties of this office with singular acceptance.

No man of his race has done, or is still doing, more for his people than Frederick Douglass.



## THE FREEDMEN'S MONUMENT.

*Douglass' Oration, delivered at Washington, D. C., April 14, 1876, on the occasion of the unveiling of the Freedmen's Monument, in memory of Abraham Lincoln.*

FRIENDS AND FELLOW-CITIZENS: I warmly congratulate you upon the highly interesting event which has caused you to assemble in such numbers and spirit as you have to-day. This occasion is, in some respects, remarkable. It is the work of thoughtful men of our race who shall hereafter study the lesson of our history in the United States, who shall survey the long dreary spaces over which we have traveled; who shall count the links in the great chain of events by which we have reached our present position, will make a note of this occasion. I will think of it and speak of it with a sense of manly pride and complacency. I congratulate you, also, upon the very favorable circumstances in which we meet to-day. They are high, inspiring, and uncommon. They are grace, glory, and significance to the object for which we have met. Nowhere else in this great country, with its uncounted towns and cities, unlimited wealth, and immeasurable territory extending from sea to sea, could conditions be found more favorable to the success of this occasion than here. We stand to-day at the national center to perform something like a national act—an act which is to go into history; and we are here to feel every pulsation of the national heart can be heard, felt, and reciprocated. A thousand eyes, fed with thought and winged with light, put us in instantaneous communication with the loyal and true men all over this country. Few facts could better illustrate the vast and wonderful change which has taken place in our nation as a people than the fact of our assembling here for the purpose we have to-day.

Harmless, beautiful, proper, and praiseworthy as this demonstration is, I cannot forget that no such demonstration would have been tolerated here twenty years ago. The spirit of slavery and barbarism which still lingers to blight and destroy, in some dark and distant parts of our country, would have made our assembling here the signal and excuse for opening upon us all the flood-gates of wrath and violence. That we are here in peace to-day is a compliment and a credit to American civilization, and a prophecy of still greater national enlightenment and progress in the future. I refer to the past, not in malice, for this is no day for malice, but simply to place more distinctly in front the gratifying and glorious change which has come both to our white fellow-citizens and ourselves, and to congratulate all upon the contrast between now and then—the new dispensation of freedom with its thousand blessings to both races, and the old dispensation of slavery with its ten thousand evils to both races, white and black. In view, then, of the past, the present, and the future, with the long and dark history of our bondage behind us, and with liberty, progress, and enlightenment before us, I again congratulate you all upon this auspicious day and hour.

Friends and fellow-citizens, the story of our presence here is soon and easily told. We are here in the District of Columbia, here in the city of Washington, the most luminous point of American territory, a city recently transformed and made beautiful in its body and in its spirit. We are here in the place where the ablest and best men of the country are sent to

devise the policy, enact the laws, and shape the destiny of the Republic. We are here with the stately pillars and majestic dome of the Capitol of the nation looking down upon us; we are here, with the broad earth freshly adorned with the foliage and flowers of spring for our church, and all races, colors, and conditions of men for our congregation—in a word, we are here to express, as best we may, by appropriate forms and ceremonies, our grateful sense of the vast, high, and pre-eminent services rendered to ourselves, to our race, to our country, and to the whole world as well, by Abraham Lincoln.

The sentiment that brings us here to-day is one of the noblest that can stir and thrill the human heart. It has crowned and made glorious the high places of all civilized nations with the grandest and most enduring works of art, designed to illustrate the characters and perpetuate the memories of the great public men. It is the sentiment which from year to year adorns with fragrant and beautiful flowers the graves of our loyal, brave, and patriotic soldiers, who fell in defence of the Union and liberty. It is the sentiment of gratitude and appreciation, which often, in the presence of many who hear me, has filled yonder heights of Arlington with the eloquence of eulogy and the sublime enthusiasm of poetry and song; a sentiment which can never die while the Republic lives.

For the first time in the history of our people, and in the history of the whole American people, we join in this high worship, and march conspicuously in the line of this time-honored custom. First things are always interesting, and this is one of our first things. It is the first time that, in this form and manner, we have sought to do honor to an American great man, however deserving and illustrious. I commend the fact to notice; let it be told in every part of the Republic; let men of all parties and opinions, hear it; let those who despise us, not less than those who respect us, know that now

and here, in the spirit of liberty, loyalty, and gratitude, let it be known everywhere, and by everybody who takes an interest in human progress, and in the amelioration of the condition of mankind, that, in the presence, and with the approval of the members of the American House of Representatives, reflecting the general sentiment of the country, that, in the presence of that august body, the American Senate, representing the highest intelligence, and the calmest judgment of the country; in presence of the Supreme Court and Chief-Justice of the United States, to whose decisions we all patriotically bow; in the presence, and under the steady eye of the honored and trusted President of the United States, with the members of his wise and patriotic Cabinet, we, the colored people, newly emancipated, and rejoicing in our blood-bought freedom, near the close of the first century in the life of the Republic, have now and here unveiled, set apart, and dedicated a monument of enduring granite and bronze, in every line, feature, and figure of which the men of this generation may read, and those of aftercoming generations may read, something of the exalted character and great works of Abraham Lincoln, the first martyr-President of the United States.

Fellow-citizens, in what we have said and done to-day, and in what we may say and do hereafter, we disclaim everything like arrogance and assumption. We claim for ourselves no superior devotion to the character, history, and memory of the illustrious name, whose monument we have here dedicated to-day. We fully comprehend the relation of Abraham Lincoln, both to ourselves and to the white people of the United States. Truth is proper and beautiful at all times, and in all places, and it is never more proper and beautiful in any case, than when speaking of a great public man, whose example is likely to be commended for honor and imitation, long after his departure to the solemn shades—the silent continents of eternity. It must be

admitted, truth compels me to admit, even here in the presence of the monument we have erected to his memory, Abraham Lincoln was not, in the fullest sense of the word, either our man or our model. In his interests, in his associations, in his habits of thought, and in his prejudices, he was a white man.

He was pre-eminently the white man's President, entirely devoted to the welfare of white men. He was ready and willing at any time during the first years of his administrations to deny, postpone, and sacrifice the rights of humanity in the colored people, to promote the welfare of the white people of this country. In all his education and feeling, he was an American of the Americans. He came into the Presidential chair upon one principle alone, namely, opposition to the extension of slavery. His arguments in furtherance of this policy had their motive and mainspring in his patriotic devotion to the interests of his own race. To protect, defend, and perpetuate slavery in the States where it existed, Abraham Lincoln was not less ready than any other President, to draw the sword of the nation. He was ready to execute all the supposed constitutional guarantees of the United States Constitution, in favor of the slave system, anywhere inside the slave States. He was willing to pursue, recapture, and send back the fugitive slave to his master, and to suppress a slave rising for liberty, though his guilty master were already in arms against the government. The race to which we belong were not the special objects of his consideration. Knowing this, I concede to you, my white fellow-citizens, a pre-eminence to this worship, at once full and supreme. First, midst, and last, you and yours were the objects of his deepest affection and his most earnest solicitude. You are the children of Abraham Lincoln. We are at best, only his step-children; children by adoption, children by force of circumstances and necessity. To you it especially belongs to sound his praises, to preserve and perpetuate his memory,

to multiply his statues, to hang his pictures high upon your walls, and commend his example, for to you he was a great and glorious friend and benefactor. Instead of supplanting you at this altar, we would exhort you to build high his monuments; let them be of the most costly material, of the most cunning workmanship; let their forms be symmetrical, beautiful, and perfect; let their bases be upon solid rocks, and their summits lean against the unchanging blue, overhanging sky, and let them endure forever! But, while in the abundance of your wealth, and in the fullness of your just and patriotic devotion, you do all this, we entreat you to despise not the humble offering we this day unveil to view; for, while Abraham Lincoln saved for you a country, he delivered us from bondage, according to Jefferson, one hour of which was worse than ages of the oppression your fathers rose in rebellion to oppose.

Fellow-citizens, ours is no new-born zeal and devotion—merely a thing of this moment. The name of Abraham Lincoln was near and dear to our hearts in the darkest and most perilous hours of the Republic. We were no more ashamed of him when shrouded in clouds of darkness, of doubt, and defeat, than when we saw him crowned with victory, honor, and glory. Our faith in him was often taxed and strained to the uttermost, but it never failed. When we tarried long in the mountain; when he strangely told us that we were the cause of the war; when he still more strangely told us to leave the land in which we were born; when he refused to employ our arms in defense of the Union; when, after accepting our services as colored soldiers, he refused to retaliate our murder and torture as colored prisoners; when he told us he would save the Union, if he could, with slavery; when he revoked the Proclamation of Emancipation of General Fremont; when he refused to remove the popular commander of the Army of the Potomac, in the days of its inaction and defeat, who was more

zealous in his efforts to protect slavery than to suppress rebellion; when we saw all this, and more, we were at times grieved, stunned, and greatly bewildered; but our hearts believed, while they ached and bled. Nor was this, even at that time, a blind and unreasoning superstition. Despite the mist and haze that surrounded him; despite the tumult, the hurry, and confusion of the hour, we were able to take a comprehensive view of Abraham Lincoln, and to make reasonable allowance for the circumstances of his position. We saw him, measured him, and estimated him; not by stray utterances to injudicious and tedious delegations, who often tried his patience; not by isolated facts torn from their connection; not by any partial and imperfect glimpses, caught at inopportune moments; but by a broad survey, in the light of the stern logic of great events, and in view of that "divinity which shapes our ends, rough hew them how we will," we came to the conclusion that the hour and the man of our redemption had somehow met in the person of Abraham Lincoln. It mattered little to us what language he might employ on special occasions; it mattered little to us, when we fully knew him, whether he was swift or slow in his movements; it was enough for us that Abraham Lincoln was at the head of a great movement, and was in living and earnest sympathy with that movement, which, in the nature of things, must go on until slavery should be utterly and forever abolished in the United States.

When, therefore, it shall be asked what we have to do with the memory of Abraham Lincoln, or what Abraham Lincoln had to do with us, the answer is ready, full, and complete. Though he loved Cæsar less than Rome, though the Union was more to him than our freedom or our future, under his wise and beneficent rule we saw ourselves gradually lifted from the depths of slavery to the heights of liberty and manhood; under his wise and beneficent rule, and by measures approved and vigorously pushed by

him, we saw that the handwriting of ages, in form of prejudices and proscription, was rapidly fading from the face of our whole country under this rule, and in due time, about as much after all as the country could tolerate the spectacle, we saw our brave sons and brothers lining off the rags of bondage, and being clothed all over in the blue uniforms of the soldiery of the United States; under his rule we saw that hundred thousand of our dark and dusky people responding to the call of Abraham Lincoln, and, with muskets on their shoulders, and eagerness on their buttons, and timing their high footsteps to liberty and union under the national flag; under his rule we saw the independence of the black Republic of Hayti, the special object of slaveholding aversion and horror, fully recognized, and her minister, a colored gentleman, duly received here in the city of Washington; under his rule we saw the internal slave trade, which so long disgraced the nation, abolished, and slavery abolished in the District of Columbia; under his rule we saw for the first time law enforced against the foreign slave-trade; the first slave-trader hanged like any other pirate or murderer; under his rule, assisted by the greatest captain of our age, and his inspiration, we saw the Confederate States, based upon the idea that our race must be slaves, and slavery forever, battered to pieces, and scattered to four winds; under his rule, and in the fullness of time, we saw Abraham Lincoln, after giving the slaveholders three months' grace in which to save their hateful slave system, penning an immortal paper, which, though special in language, was general in its principles and effect, making slavery forever impossible in the United States. Though we waited long, we saw this, and more.

Can any colored man, or any white man, be friendly to the freedom of all men, ever forget the night which followed the 1st day of January, 1863, when the world was to see if Abraham Lincoln would prove to be as good as



word? I shall never forget that memorable night, when, in a distant city, I waited and watched at a public meeting, with three thousand others not less anxious than myself, for the word of deliverance which we have heard read to-day. Nor shall I ever forget the outburst of joy and thanksgiving that rent the air when the lightning brought to us the emancipation proclamation. In that happy hour we forgot all delay, and forgot all tardiness, forgot that the President had bribed the Rebels to lay down their arms by a promise to withhold the bolt which would smite the slave system with destruction; and we were thenceforward willing to allow the President all the latitude of time, phraseology, and every honorable device that statesmanship might require for the achievement of a great and beneficent measure of liberty and progress.

Fellow-citizens, there is little necessity on this occasion to speak at length and critically of this great good man, and of his high mission in the world. That ground has been fully occupied and completely covered, both here and elsewhere. The whole field of fact and fancy has been gleaned and garnered. Any man can say things that are true of Abraham Lincoln, but no man can say anything that is new of Abraham Lincoln. His personal traits and public acts are better known to the American people than are those of any man of his age. He was a mystery to no man who saw him and heard him. Though high in position, the humblest could approach him and feel at home in his presence. Though deep, he was transparent; though strong, he was gentle; though decided and pronounced in his convictions, he was tolerant toward those who differed from him, and patient under reproaches. Even those who only knew him through his public utterances obtained a tolerably clear idea of his character and his personality. The image of the man went out with his words, and those who read them, knew him.

I have said that President Lincoln was a

white man, and shared the prejudices common to his countrymen toward the colored race. Looking back to his times and to the condition of his country, we are compelled to admit that this unfriendly feeling on his part may be safely set down as one element of his wonderful success in organizing the loyal American people for the tremendous conflict before them, and bringing them safely through that conflict. His great mission was to accomplish two things; first, to save his country from dismemberment and ruin; and second, to free his country from the great crime of slavery. To do one or the other, or both, he must have the earnest sympathy and the powerful co-operation of his loyal fellow-men. Without this primary and essential condition to success his efforts must have been vain and utterly fruitless. Had he put the abolition of slavery before the salvation of the Union, he would have inevitably driven from him a powerful class of the American people, and rendered resistance to rebellion impossible. Viewed from the genuine abolition ground, Mr. Lincoln seemed tardy, cold, dull, and indifferent; but, measuring him by the sentiment of his country, a sentiment he was bound as a statesman to consult, he was swift, zealous, radical, and determined.

Though Mr. Lincoln shared the prejudices of his white fellow-countrymen against the negro, it is hardly necessary to say that in his heart of hearts he loathed and hated slavery. The man who could say, "Fondly do we hope, fervently do we pray, that this mighty scourge of war shall soon pass away; yet if God wills it continue till all the wealth piled by two hundred years of bondage shall have been wasted, and each drop of blood drawn by the lash shall have been paid for by one drawn by the sword, the judgments of the Lord are true and righteous, altogether," gives all needed proof of his feeling on the subject of slavery. He was willing, while the South was loyal, that it should have its pound of flesh, because he thought it was so

nominated in the bond; but, farther than this, no earthly power could make him go.

Fellow-citizens, whatever else in the world may be partial, unjust and uncertain, time, time, is impartial, just and certain in its action! In the realm of mind, as well as in the realm of matter, it is a great worker, and often works wonders. The honest and comprehensive statesman, clearly discerning the needs of his country, and earnestly endeavoring to do his whole duty, though covered and blistered with reproaches, may safely leave his course to the silent judgment of time. Few great public men have ever been the victims of fiercer denunciation than Abraham Lincoln was during his administration. He was often wounded in the house of his friends. Reproaches came thick and fast upon him from within and from without, and from opposite quarters. He was assailed by Abolitionists; he was assailed by slaveholders; he was assailed by the men who were for peace at any price; he was assailed by those who were for a more vigorous prosecution of the war; he was assailed for not making the war an abolition war; and he was most bitterly assailed for making the war an abolition war.

But now behold the change; the judgment of the present hour is, that, taking him for all in all, measuring the tremendous magnitude of the work before him, considering the necessary means to ends, and surveying the end from the beginning, infinite wisdom has seldom sent any man into the world better fitted for his mission than Abraham Lincoln. His birth, his training, and his natural endowments, both mental and physical, were strongly in his favor. Born and reared among the lowly, a stranger to wealth and luxury, compelled to grapple single-handed with the flintiest hardships of life, from tender youth to sturdy manhood, he grew strong in the manly and heroic qualities demanded by the great mission to which he was called by the votes of his countrymen. The hard conditions of his early life, which would have depressed

and broken down weaker men, only gave greater life, vigor, and buoyancy to the heroic spirit of Abraham Lincoln. He was ready for every kind and quality of work. What other young men dreaded in the shape of toil he took hold of with the utmost cheerfulness.

A spade, a rake, a hoe,  
A pickaxe, or a bill;  
A hook to reap, a scythe to mow,  
A flail, or what you will.

All day long he could split heavy rails in woods, and half the night long he could study English grammar by the uncertain "flare" of the light made by a pine knot." He was at home on the land with his axe, with his mattocks, with his gluts, and his wedges; and he was equally at home on the water with his oars, with his poles, with his planks, and with his boat hooks. And, whether in his flat-boat on the Mississippi River, or at the fireside of his frontier cabin, he was a man of work. A son of toil himself, he was linked in brotherly sympathy with the sons of toil in every loyal part of the Republic. This very fact gave him tremendous power with the American people, and materially contributed not only to selecting him for the Presidency, but in sustaining his administration of the government.

Upon his inauguration as President of the United States, an office even where assured under the most favorable conditions, fitted to and strain the largest abilities, Abraham Lincoln was met by a tremendous crisis. He was called upon, not merely to administer the government, but to decide in the face of terrible odds, the future of the Republic.

A formidable rebellion rose in his path before him; the Union was practically dissolved; the country was torn and rent asunder at the center. Hostile armies were already organized against the Republic, armed with the munitions of war which the Republic had provided for its own defense. The tremendous question for him to decide was, whether his country should survive

the crisis and flourish, or be dismembered and perish. His predecessor in office had already decided the question in favor of national dismemberment by denying to it the right of self-defence and self-preservation—a right which belongs to the meanest insect.

Happily for the country, happily for you and for me, the judgment of James Buchanan, the patrician, was not the judgment of Abraham Lincoln, the plebeian. He brought his strong common sense, sharpened in the school of adversity, to bear upon the question. He did not hesitate, he did not doubt, he did not falter; but at once resolved, at whatever peril, at whatever cost, the union of the United States should be preserved. A patriot himself, his faith was strong and unswerving in the protection of his countrymen. Timid men said before Mr. Lincoln's inauguration that we had seen the last President of the United States. A voice in influential quarters said, "Let the Union slide." Some said that a Union maintained by the sword was worthless. Others said a rebellion of eight millions cannot be suppressed. But in the midst of all this tumult and timidity, and against all this, Abraham Lincoln was clear in his duty, and had an oath in heaven. He calmly and bravely heard the voice of doubt and fear all around him, but he had an oath in heaven, and there was not power enough on earth to make this honest boatman, backwoodsman, and broad-handed splitter of rails evade or violate that sacred oath. He had not been schooled in the ethics of slavery; his plain life had favored his love of truth. He had not been taught that treason and perjury were the proof of honor and honesty. His moral training was against his saying one thing when he meant another. The trust which Abraham Lincoln had in himself and in the people was surprising and grand, but it was also enlightened and well-founded. He knew the American people better than they knew themselves, and his truth was based upon this knowledge.

Fellow-citizens, upon the 14th day of April, 1866, of which this is the eleventh anniversary, is now, and will ever remain, a memorable day in the annals of this Republic. It was on the evening of this day, while a fierce and sanguinary rebellion was in the last stages of its desolating power, while its armies were broken and scattered before the invincible armies of Grant and Sherman, while a great nation, torn and rent by war, was already beginning to raise to the skies loud anthems of joy at the dawn of peace, that it was startled, amazed and overwhelmed by the crowning crime of slavery—the assassination of Abraham Lincoln. It was a new crime—a pure act of malice. No purpose of the rebellion was to be served by it. It was the simple gratification of a hell-black spirit of revenge. But it has done good, after all. It has filled the country with a deeper abhorrence of slavery, and a deeper love for the great liberator.

Had Abraham Lincoln died from any of the numerous ills to which flesh is heir; had he reached that good old age of which his vigorous constitution and his temperate habits gave promise; had he been permitted to see the end of his great work; had the solemn curtain of death come down but gradually, we should still have been smitten with a heavy grief, and treasured his name lovingly. But, dying as he did die, by the red hand of violence, killed, assassinated, taken off without warning, not because of personal hate—for no man who knew Abraham Lincoln could hate him—but, because of his fidelity to union and liberty, he is doubly dear to us, and his memory will be precious to us forever.

Fellow-citizens, I end as I began, with congratulations. We have done a good work for our race to-day. In doing honor to the memory of our friend and liberator, we have been doing highest honors to ourselves and those who come after us; we have been fastening to ourselves a name and fame imperishable and immortal; we

have also been defending ourselves from a blighting scandal. When now, it shall be said that the colored man is soulless, that he has no appreciation of benefits or benefactors; when the foul reproach of ingratitude is hurled at us,

and it is attempted to scourge us beyond the range of human brotherhood, we may calmly point to the monument we have this day erected to the memory of our first martyr President, Abraham Lincoln.







ROBERT G. INGERSOLL.

ENGRAVED FOR CRAYTON AND CRAYTON, FARMAN, PALMER & CO., PUBLISHERS.

## ROBERT G. INGERSOLL.

**R**OBERT INGERSOLL was born in Dresden, New York, in the year 1833; and, by the removal of the family to Illinois in 1845, became a resident of that new and rapidly developing State. He received a fair education, studied law, and was admitted to practice at the bar. He was early noted in his neighborhood as an eloquent and popular orator. In 1857 he removed to Peoria; prosecuted his work with energy; became interested in the construction of railroads, and won the reputation of an able advocate. In politics he was a Democrat, and was an unsuccessful candidate for Congress in 1860. When the war broke out, by word and deed, he showed that his heart was true to the Union.

In 1862 he entered the army as Colonel of the Eleventh Illinois Cavalry; was made prisoner, but was exchanged, and returned home a Republican in politics.

He was appointed Attorney-General of the State by Governor Oglesby in 1868. He devoted himself diligently to the study and practice of his profession, acquired some local notoriety as a

lecturer against Christianity, and accumulated a considerable fortune. In 1876 Colonel Ingersoll was a delegate to the National Republican Convention in Cincinnati, and electrified the members of the convention, and the whole country, by his eloquent and masterly address in nominating Blaine.

From that day his fame was national, and invitations to lecture have poured in upon him from every section. Soon after the Cincinnati Convention, he attended a grand Soldiers' and Sailors' Reunion at Indianapolis, and delivered an address which touched the hearts of millions throughout the land who had lost loved ones in the war for the nation's life. He has few superiors as a campaign speaker, and his services are always in demand. His present residence is Washington City.

He was counsel for defendants in the celebrated "Star Route" case, tried in Washington in 1882.

He is, perhaps, the most noted opponent to Christianity in the United States. Large audiences gather to listen to his lectures, and yet there seems to be no

permanent influence resulting from them. Many attempts have been made to answer him, yet never with any satisfactory results. He produces no arguments

to change the belief of any, but rather stirs them up to investigate more fully the grounds of their faith. He ranks among the first orators in America.

### THE VETERAN SOLDIERS.

*Mr. Ingersoll's Speech, delivered at Indianapolis.*

LADIES AND GENTLEMEN—FELLOW-CITIZENS AND CITIZEN SOLDIERS: I am opposed to the Democratic party, and I will tell you why. Every State that seceded from the United States was a Democratic State. Every ordinance of secession that was drawn, was drawn by a Democrat. Every man that endeavored to tear the old flag from the heaven that it enriches, was a Democrat. Every man that tried to destroy this nation was a Democrat. Every enemy this great Republic has had for twenty years has been a Democrat. Every man that shot Union soldiers, was a Democrat. Every man that starved Union soldiers, and refused them in the extremity of death, a crust, was a Democrat. Every man that loved slavery better than liberty, was a Democrat. The man that assassinated Abraham Lincoln, was a Democrat. Every man that sympathized with the assassin—every man, glad that the noblest President ever elected, was assassinated, was a Democrat. Every man that wanted the privilege of whipping another man to make him work for him for nothing, and pay him with lashes on his naked back, was a Democrat. Every man that raised bloodhounds to pursue human beings, was a Democrat. Every man that clutched from shrieking, shuddering, crouching mothers, babes from their breasts, and sold them into slavery, was a Democrat. Every man that impaired the credit of the United States, every man that swore we would

never pay the bonds, every man that swore we would never redeem the greenbacks, every maligner of his country's credit, every calumniator of his country's honor, was a Democrat. Every man that resisted the draft, every man that hid in the bushes and shot at Union men simply because they were endeavoring to enforce the laws of their country, was a Democrat. Every man that wept over the corpse of slavery, was a Democrat. Every man that cursed Lincoln, because he issued the proclamation of emancipation—the grandest paper since the Declaration of Independence—every one of them was a Democrat. Every man that denounced the soldiers that bared their bosoms to the storms of shot and shell for the honor of America, and for the sacred rights of man, was a Democrat. Every man that wanted an uprising in the North, that wanted to release the Rebel prisoners, that they might burn down the homes of Union soldiers above the heads of their wives and children, while the brave husbands, the heroic fathers, were in the front, fighting for the honor of the old flag, every one of them was a Democrat. I am not through yet. Every man that believed this glorious nation of ours is a Confederacy, every man that believed the old banner carried by our fathers through the Revolution, through the war of 1812, carried by our brothers over the plains of Mexico, carried by our brothers over the fields of



the rebellion, simply stood for a contract, simply stood for an agreement, was a Democrat. Every man who believed that any State could go out of the Union at its pleasure, every man that believed the grand fabric of the American government could be made to crumble instantly into dust at the touch of treason, was a Democrat. Every man that helped to burn orphan asylums in New York, was a Democrat; every man that tried to fire the city of New York, although he knew that thousands would perish, and knew that the great serpents of flame, leaping from buildings, would clutch children from their mothers' arms—every wretch that did it was a Democrat. Recollect it! Every man that tried to spread small-pox and yellow fever in the North, as the instrumentalities of civilized war, was a Democrat. Soldiers, every scar you have got on your heroic bodies was given you by a Democrat. Every scar, every arm that is lacking, every limb that is gone, every scar, is a souvenir of a Democrat. I want you to recollect it. Every man that was the enemy of human liberty in this country was a Democrat. Every man that wanted the fruit of all the heroism of all the ages to turn to ashes upon the lips—every one was a Democrat.

I am a Republican. I will tell you why: This is the only free government in the world. The Republican party made it so. The Republican party took the chains from 4,000,000 of people. The Republican party, with the wand of progress, touched the auction-block, and it became a schoolhouse. The Republican party put down the rebellion, saved the nation, kept the old banner afloat in the air, and declared that slavery of every kind should be extirpated from the face of the continent. What more? I am a Republican because it is the only free party that ever existed. It is a party that has a platform as broad as humanity, a platform as broad as the human race, a party that says you shall have all the fruit of the labor of your hands, a party that says you may think for yourself; a

party that says no chains for the hands, no fetters for the soul. (A voice—"Amen." Cheers.) At this point the rain began to descend, and it looked as if a heavy shower was impending. Several umbrellas were put up. Gov. Noyes—"God bless you! What is rain to soldiers?" Voice—"Go ahead; we don't mind the rain." (It was proposed to adjourn the meeting to Masonic Hall, but the motion was voted down by an overwhelming majority, and Mr. Ingersoll proceeded.) I am a Republican because the Republican party says this country is a nation, and not a confederacy. I am here in Indiana to speak, and I have as good a right to speak here in Indiana as though I had been born on this stand—not because the State flag of Indiana waves over me. I would not know it if I should see it. You have the same right to speak in Illinois, not because the State flag of Illinois waves over you, but because that banner, rendered sacred by the blood of all the heroes, waves over me and you. I am in favor of this being a nation. Think of a man gratifying his entire ambition in the State of Rhode Island. We want this to be a nation, and you can't have a great, grand, splendid people, without a great, grand, splendid country. The great plains, the sublime mountains, the great rushing, roaring rivers, shores lashed by two oceans, and the grand anthem of Niagara, mingle and enter, as it were, in the character of every American citizen, and make him, or tend to make him, a great and a grand character. I am for the Republican party because it says the government has as much right, as much power to protect its citizens at home as abroad. The Republican party don't say you have to go away from home to get the protection of the government. The Democratic party says the government can't march its troops into the South to protect the rights of the citizens. It is a lie. The government claims the right, and it is conceded that the government has the right, to go to your house, while you are sitting by your fireside

with your wife and children about you, and the old lady knitting, and the cat playing with the yarn, and everybody happy and sweet—the government claims the right to go to your fireside and take you by force, and put you into the army; take you down to the valley and the shadow of hell, set you by the ruddy, roaring guns, and to make you fight for your flag. Now, that being so, when the war is over, and your country is victorious, and you go back to your home, and a lot of Democrats want to trample upon your rights, I want to know if the government that took you from your fireside, and made you fight for it, I want to know, if it is not bound to fight for you. The flag that will not protect its protectors is a dirty rag that contaminates the air in which it waves. The government that will not defend its defenders is a disgrace to the nations of the world. I am a Republican because the Republican party says, "We will protect the rights of American citizens at home, and if necessary we will march an army into any State to protect the rights of the humblest American citizen in that State." I am a Republican, because that party allows me to be free—allows me to do my own thinking in my own way. I am a Republican, because it is a party grand enough, and splendid enough, and sublime enough, to invite every human being in favor of liberty and progress to fight shoulder to shoulder for the advancement of mankind. It invites the Methodist; it invites the Catholic; it invites the Presbyterian, and every kind of sectarian; it invites the free-thinker; it invites the infidel, provided he is in favor of giving to every other human being every chance, and every right, that he claims for himself. I am a Republican, I tell you. There is room in the Republican air for every wing; there is room on the Republican sea for every sail. Republicanism says to every man: "Let your soul be like an eagle; fly out in the great dome of thought, and question the stars for yourself." But the Democratic party says: "Be blind

owls; sit on the dry limb of a dead tree, and only hoot when Tilden & Co. tell you to."

In the Republican party there are no followers. We are all leaders. There is not a party chain. There is not a party lash. Any man that does not love this country, any man that does not love liberty, any man that is not in favor of human progress, that is not in favor of giving to others all he claims for himself; we don't ask him to vote the Republican ticket. You can vote it if you please, and if there is any Democrat within hearing, who expects to die before another election, we are willing that he should vote one Republican ticket, simply as a consolation upon his death-bed. What more? I am a Republican because that party believes in free labor. It believes that free labor will give us wealth. It believes in free thought, because it believes that free thought will give us truth. You don't know what a grand party you belong to. I never want any holier or grander title of nobility than that I belong to the Republican party, and have fought for the liberty of man. The Republican party, I say, believes in free labor. The Republican party also believes in slavery. What kind of slavery? In enslaving the forces of nature.

We believe that free labor, that free thought, have enslaved the forces of nature, and made them work for man. We make old attraction of gravitation work for us; we make the lightning do our errands; we make steam hammer and fashion what we need. The forces of nature are the slaves of the Republican party. They have got no backs to be whipped; they have got no hearts to be torn—no hearts to be broken; they cannot be separated from their wives; they cannot be dragged from the bosoms of their husbands; they work night and day, and they cannot tire. You cannot whip them, you cannot starve them, and a Democrat even, can be trusted with one of them. I tell you I am a Republican. I believe, as I told you, that free labor will give us these slaves. Free labor

will produce all these things, and everything you have got to-day has been produced by free labor, nothing by slave labor.

Slavery never invented but one machine, and that was a threshing-machine in the shape of a whip. Free labor has invented all the machines. We want to come down to the philosophy of these things. The problem of free labor, when a man works for the wife he loves, when he works for the little children he adores—the problem is to do the most work in the shortest space of time. The problem of slavery is to do the least work in the longest space of time. That is the difference. Free labor, love, affection—they have invented everything of use in this world. I am a Republican.

I tell you, my friends, this world is getting better every day, and the Democratic party is getting smaller every day. See the advancement we have made in a few years, see what we have done. We have covered this nation with wealth, and glory, and with liberty. This is the first free government in the world. The Republican party is the first party that was not founded on some compromise with the devil. It is the first party of pure, square, honest principle; the first one. And we have got the first free country that ever existed.

And right here I want to thank every soldier that fought to make it free, every one living and dead. I want to thank you again, and again, and again. You made the first free government in the world, and we must not forget the dead heroes. If they were here they would vote the Republican ticket, every one of them. I tell you, we must not forget them.

The past, as it were, rises before me like a dream. Again we are in the great struggle for national life. We hear the sound of preparation—the music of the boisterous drums—the silver voices of heroic bugles. We see thousands of assemblages, and hear the appeals of orators; we see the pale cheeks of women, and the flushed faces of men; and in those assemblages

we see all the dead whose dust we have covered with flowers. We lose sight of them no more. We are with them when they enlist in the great army of freedom. We see them part with those they love. Some are walking for the last time in quiet woody places with the maidens they adore. We hear the whisperings and the sweet vows of eternal love as they lingeringly part forever. Others are bending over cradles, kissing babes that are asleep. Some are receiving the blessings of old men. Some are parting with mothers who hold them and press them to their hearts, again and again, and say nothing; and some are talking with wives, and endeavoring with brave words spoken in the old tones to drive away the awful fear. We see them part. We see the wife standing in the door with the babe in her arms—standing in the sunlight sobbing—at the turn of the road a hand waves—she answers by holding high in her loving hands the child. He is gone, and forever!

We see them all as they march proudly away under the flaunting flags, keeping time to the wild, grand music of war—marching down the streets of the great cities—through the towns and across the prairies—down to the fields of glory, to do and to die for the eternal right.

We go with them, one and all. We are by their side on all the gory fields, in all the hospitals of pain—on all the weary marches. We stand guard with them in the wild storm, and under the quiet stars. We are with them in ravines running with blood—in the furrows of old fields. We are with them between contending hosts, unable to move, wild with thirst, the life ebbing slowly away among the withered leaves. We see them pierced by balls and torn with shells in the trenches of forts, and in the whirlwind of the charge, where men become iron with nerves of steel.

We are with them in the prisons of hatred and famine, but human speech can never tell what they endured.

We are at home when the news comes that

they are dead. We see the maiden in the shadow of her sorrow. We see the silvered head of the old man bowed with the last grief.

The past rises before us, and we see four millions of human beings governed by the lash—we see them bound hand and foot—we hear the strokes of cruel whips—we see the hounds tracking women through tangled swamps. We see babes sold from the breasts of mothers. Cruelty unspeakable! Outrage infinite!

Four million bodies in chains—four million souls in fetters. All the sacred relations of wife, mother, father and child, trampled beneath the brutal feet of might. And all this was done under our own beautiful banner of the free.

The past rises before us. We hear the roar and shriek of the bursting shell. The broken fetters fall. There heroes died. We look. Instead of slaves we see men, and women, and

children. The wand of progress touched the auction-block, the slave-pen, and the wharfe post, and we see homes and firesides, and houses and books, and where all was war, crime, and cruelty and fear, we see the free.

These heroes are dead. They died for us—they died for us. They are at rest, sleep in the land they made free, under the stars, they rendered stainless, under the solemn sky, the sad hemlocks, the tearful willows, the bracing vines. They sleep beneath the stars of the clouds, careless alike of sun and storm, each in the windowless palace of the Earth may run red with other wars—the peace. In the midst of battle, in the conflict, they found the serenity of death. They have one sentiment for the soldiers, living and dead—cheers for the living, and tears for the dead.







WILLIAM M. EVARTS

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## WILLIAM MAXWELL EVARTS.

**W**ILLIAM M. EVARTS, of New York, is one of the ablest and most noted of the lawyers of the United States. He was born in Boston on the 6th of February, 1818. He enjoyed all the educational advantages of that city, and improved them to the utmost.

He graduated at Yale College in his nineteenth year, and devoted himself to the study of law, which he pursued, under the care of Justice Story and Professor Greenleaf, in the Harvard Law School. After completing his course, he was admitted to the bar in New York in 1841. He applied himself devotedly to the study and practice of his chosen profession, and was rewarded for his arduous application by a measure of success attained by few men. He was Deputy United States District Attorney from 1849 to 1853, and discharged the duties of that office in such a manner as to command the respect and confidence of all lovers of justice.

During the time of his holding the office, many questions of more than common interest were before the courts, par-

ticularly concerning persons connected with filibustering expeditions to Cuba, and Mr. Evarts spared no pains to bring them to a just account before the courts. A little later he was connected with Chester A. Arthur as counsel for the State in the celebrated Lemmon slave case, and by their united efforts and ability, carried the case from court to court, and to ultimate success. He built up one of the most extensive and lucrative practices ever enjoyed by any lawyer in this country. Among the most important cases in which he has been interested are the Parrish will case, and the will case of Mrs. Gardener, the mother of President Tyler's widow.

Mr. Evarts was principal counsel for the defendant in the impeachment trial of President Johnson in April and May, 1868, and was successful in obtaining a refusal to sustain the articles presented by the House, by one vote. He was appointed by the President to the position of Attorney-General of the United States, and held that post from July, 1868, to March, 1869. He was appointed by President Grant as counsel for the United States,

to present and defend the interests of the government and people before the Arbitration Commission, which was appointed to settle the matter at issue between the United States and Great Britain, in connection with the famous "Alabama" question. Before that commission he met the ablest legal minds of Great Britain, and came off successful. It was, perhaps, the grandest achievement of his life, and secured for his country a moderate reparation for the injury that had been done.

in 1875 he was employed as senior counsel for Henry Ward Beecher in the

suit brought against him by Theodore Tilton.

When President Hayes formed his Cabinet, Mr. Evarts was selected for Secretary of State, and discharged the duties of that station to the honor and benefit of his government. Wherever he has been called to act, he has achieved success. As an orator, he has few equals; as a lawyer, he has no superior; as a scholar, he ranks among the highest in the land.

The degree of LL.D. was conferred upon him by Union College in 1857, by Yale in 1865, and by Harvard in 1870.



### WHAT THE AGE OWES TO AMERICA.

*Mr. Evarts' Oration, delivered in Philadelphia, July 4, 1876.*

FELLOW CITIZENS: The event which to-day we commemorate supplies its own reflections and enthusiasms, and brings its own plaudits. They do not at all hang on the voice of the speaker, nor do they greatly depend upon the contacts and associations of the place. The Declaration of American Independence was, when it occurred, a capital transaction in human affairs; as such it has kept its place in history; as such it will maintain itself while human interest in human institutions shall endure. The scene, and the actors, for their profound impression upon the world, at the time, and ever since, have owed nothing to dramatic effects, nothing to epical exaggerations. To the eye there was nothing wonderful, or vast, or splendid, or pathetic in the movement, or the display. Imagination or art can give no sensible grace or

decoration to the persons, the place, or the performance, which made up the business of that day. The worth and force that belong to the agents, and the action, rest wholly on the wisdom, the courage, and the faith that formed and executed the great design, and the potency and permanence of its operation upon the affairs of the world, which, as foreseen and legitimate consequences, followed. The dignity of the act is the deliberate, circumspect, open, and serene performance by these men in the clear light of day, and by a concurrent purpose of a civic duty, which embraced the greatest hazards to themselves, and to all the people from whom they held this disputed discretion, but which, to their sober judgments, promised benefits to that people and their posterity, from generation to generation, exceeding these haz-



ards, and commensurate with its own fitness. The question of their conduct is to be measured by the actual weight and pressure of the manifold considerations which surrounded the subject before them, and by the abundant evidence that they comprehended their vastness and variety. By a voluntary and responsible choice they willed to do what was done and what, without their will, would not have been done. Thus estimated, the illustrious act covers all who participated in it with its own renown, and makes them forever conspicuous among men, as it is forever famous among events. And thus the signers of the Declaration of our Independence "wrote their names where all nations should behold them, and all time should not efface them." It was "in the course of human events" intrusted to them to determine whether the fullness of time had come when a nation should be born in a day. They declared the independence of a new nation in the sense in which men declare emancipation, or declare war; the declaration created what was declared.

Famous always among men, are the founders of States, and fortunate above all others in such fame are these, our fathers, whose combined wisdom and courage began the great structure of our national existence, and laid sure the foundations of liberty and justice on which it rests. Fortunate, first, in the clearness of their title, and in the world's acceptance of their rightful claim. Fortunate, next, in the enduring magnitude of the State they founded, and the beneficence of its protection of the vast interests of human life and happiness, which have here had their home. Fortunate, again, in the admiring imitation of their work, which the institutions of the most powerful and most advanced nations more and more exhibit; and, last of all, fortunate in the full demonstration of our later time, that their work is adequate to withstand the most disastrous storms of human fortunes, and survive, unwrecked, unshaken, and unharmed.

This day has now been celebrated by a great people, at each recurrence of its anniversary, for a hundred years, with every form of ostentatious joy, with every demonstration of respect and gratitude for the ancestral virtue which gave it its glory, and with the firmest faith that growing time should neither obscure its luster nor reduce the ardor, or discredit the sincerity of its observance. A reverent spirit has explored the lives of the men who took part in the great transaction; has unfolded their characters, and exhibited to an admiring posterity the purity of their motives; the sagacity, the bravery, the fortitude, and the perseverance, which marked their conduct, and which secured the prosperity and permanence of their work.

Philosophy has divined the secrets of all this power, and eloquence emblazoned the magnificence of its results. The heroic war which fought out the acquiescence of the Old World in the independence of the New; the manifold and masterly forms of noble character, and of patient and serene wisdom which the great influences of the times begat; the large and splendid scale on which these elevated purposes were wrought out, and the majestic proportions to which they have been filled up; the unended line of eventful progress, casting ever backward a flood of light upon the sources of the original energy, and ever forward a promise and a prophecy of unexhausted power—all these have been made familiar to our people by the genius and the devotion of historians and orators. The greatest statesmen of the Old World for this same period of one hundred years have traced the initial step in these events, looked into the nature of the institutions thus founded, weighed by the Old World wisdom, and measured by recorded experience, the probable fortunes of this new adventure on an unknown sea. This circumspect and searching survey of our wide field of political and social experiment, no doubt has brought them a diversity of judgment as to the past, and of expectation as to the future. But.

of the magnitude, and the novelty, and the power of the forces set at work by the event we commemorate, no competent authorities have ever greatly differed. The cotemporary judgment of Burke is scarcely an overstatement of the European opinion of the immense import of American independence. He declared: "A great revolution has happened—a revolution made, not by chopping and changing of power in any of the existing States, but by the appearance of a new State, of a new species, in a new part of the globe. It has made as great a change in all the relations and balances and gravitations of power as the appearance of a new planet would in the system of the solar world."

It is easy to understand that the rupture between the Colonies and the mother country, might have worked a result of political independence that would have involved no such mighty consequences as are here so strongly announced by the most philosophic statesman of his age. The resistance of the colonies, which came to a head in the revolt, was led in the name and for the maintenance of the liberties of Englishmen against Parliamentary usurpation, and a subversion of the British Constitution. A triumph of those liberties might have ended in an emancipation from the rule of the English Parliament, and a continued submission to the scheme and system of the British monarchy, with an American Parliament adjusted thereto, upon the true principles of the English Constitution. Whether this new political establishment should have maintained loyalty to the British sovereign, or should have been organized under a crown and throne of its own, the transaction would then have had no other importance than such as belongs to a dismemberment of existing empire, but with preservation of existing institutions. There would have been, to be sure, a "new state," but not "of a new species," and that it was "in a new part of the globe" would have gone far to make the dismemberment but a temporary and circumstan-

tial disturbance in the old and settled order of things.

Indeed, the solidity and perpetuity of that order might have been greatly confirmed by this propagation of the model of the European monarchies on the boundless regions of this continent. It is precisely here that the Declaration of Independence has its immense importance. As a civil act, and by the people's decree, and not by the achievement of the army, or through military motives, at the first stage of the conflict it assigned a new nationality, with its own institutions, as the civilly pre-ordained end to be fought for and secured. It did not leave it to an after fruit of triumphant war, shaped and measured by military power, and conferred by the army on the people. This assured at the outset the supremacy of civil over military authority, the subordination of the army to the unarmed people.

This deliberative choice of the scope and goal of the Revolution made sure of two things which must have been always greatly in doubt, if military reasons and events had held the mastery over the civil power. The first was, that nothing less than the independence of the nation, and its separation from the system of Europe, would be attained if our arms were prosperous; and the second, that the new nation would always be the mistress of its own institutions. This might not have been its fate had a triumphant army won the prize of independence, not as a task set for it by the people, and done in its service, but by its own might, and held by its own title, and so to be shaped and dealt with by its own will.

There is the best reason to think that the Congress which declared our independence gave its chief solicitude, not to the hazards of military failure, not to the chance of miscarriage in the project of separation from England, but to the grave responsibility of the military success—of which they made no doubt—and as to what should replace, as government to the new nation, the monarchy of England, which they

considered as gone to them forever from the date of the Declaration.

Nor did this Congress feel any uncertainty, either in disposition or expectation, that the natural and necessary result would preclude the formation of the new government out of any other materials than such as were to be found in society, as established on this side of the Atlantic. These materials they foresaw were capable of, and would tolerate only, such political establishments as would maintain and perpetuate the equality and liberty always enjoyed in the several colonial communities. But all these limitations, upon what was possible, still left a large range of anxiety as to what was probable, and might become actual. One thing was too essential to be left uncertain, and the founders of this nation determined that there never should be a moment when the several communities of the different colonies should lose the character of component parts of one nation. By their plantation and growth, up to the day of the Declaration of Independence, they were subjects of one sovereignty, bound together in one political connection, parts of one country, under one constitution, with one destiny. Accordingly, the Declaration, by its very terms, made the act of separation a dissolving by "one people" of "the political bands that have connected them with another," and the proclamation of the right, and of the fact of independent nationality, was "that these United Colonies are, and of right ought to be, free and independent States."

It was thus, that at one breath, "independence and union" were declared and established. The confirmation of the first by war, and of the second by civil wisdom, was but the execution of the single design which it is the glory of this great instrument of our national existence to have framed and announced. The recognition of our independence, first by France, and then by Great Britain, the closer union by the Articles of Confederation, and the final unity by the

Federal Constitution, were all but muniments of title of that "liberty and union, one and inseparable," which were proclaimed at this place, and on this day, one hundred years ago, which have been our possession from that moment hitherto, and which we surely avow shall be our possession forever.

Seven years of revolutionary war, and twelve years of consummate civil prudence, brought us, in turn, to the conclusive peace of 1783, and to the perfected Constitution of 1787. Few chapters of the world's history, covering such brief periods, are crowded with so many illustrious names, so made up of events of such deep and permanent interest to mankind. I cannot stay to recall to your attention these characters, or these incidents, or to renew the gratitude and applause with which we never cease to contemplate them. It is only their relation to the Declaration of Independence itself, that I need to insist upon, and to the new State which it brought into existence. In this view, these progressive processes were but the articulation of the members of the State, and the adjustment of its circulation to the new centers of its vital power. These processes were all implied, and included, in this political creation, and were as necessary, and as certain, if it were not to languish and to die, as in any natural creature.

Within the hundred years whose flight in our national history we mark to-day, we have had occasion to corroborate, by war, both the independence and the unity of the nation. In our war against England for neutrality, we asserted, and we established, the absolute right to be free of European entanglements in time of war, as well as in time of peace, and so completed our independence of Europe. And by the war of the Constitution—a war within the nation, the bonds of our unity were tried and tested, as in a fiery furnace, and proved to be dependent upon no shifting vicissitudes of acquiescence, no partial dissents or discontents, but, so far as is predicable of human fortunes, irrevocable, indestructi-

ble, perpetual. *Casibus hæc nullis, nullo delebelis ævo.*

We may be quite sure that the high resolve to stake the future of a great people upon a system of society, and of polity, that should dispense with the dogmas, the experience, the traditions, the habits, and the sentiments upon which the firm and durable fabric of the British Constitution had been built up, was not taken without a solicitous and competent survey of the history, the condition, the temper, and the moral and intellectual traits of the people for whom the decisive step was taken.

It may, indeed, be suggested that the main body of the elements, and a large share of the arrangements, of the new government were expected to be upon the model of the British system, and that the substantial of civil and religious liberty and the institutions for their maintenance and defense were already the possession of the people of England and the birth-right of the colonists. But this consideration does not much disparage the responsibility assumed in discarding the correlative parts of the British Constitution. I mean the established church and throne; the permanent power of a hereditary peerage; the confinement of popular representation to the wealthy and educated classes; and the ideas of all participation by the people in their own government coming by gracious concession from the royal prerogative, and not by inherent right in themselves. Indeed, the counter consideration so far as the question was to be solved by experience, would be a ready one. The foundation, and the walls, and the roof of this firm and noble edifice, it would be said, are all fitly framed together in the substantial institutions you propose to omit from your plan and model. The convenience, and safety, and freedom, the pride and happiness which the inmates of this temple and fortress enjoy, as the rights and liberties of Englishmen, are only kept in place and play because of the firm structure of these ancient

strongholds of religion and law, which you now desert, and refuse to build anew.

Our fathers had formed their opinions upon wiser and deeper views of man and Providence than these, and they had the courage of their opinions.

Tracing the progress of mankind in the ascending path of civilization, enlightenment, and moral and intellectual culture, they found that the Divine ordinance of government, in every stage of the ascent, was adjustable on principles of common reason to the actual condition of a people, and always had for its objects, in the benevolent councils of the Divine Wisdom, the happiness, the expansion, the security, the elevation of society, and the redemption of man. They sought in vain for any title of authority of man over man, except of superior capacity, and higher morality. They found the origin of castes and ranks, and principalities and powers, temporal or spiritual, in this conception. They recognized the people as the structure, the temple, the fortress, which the great artificer all the while cared for and built up. As, through the long march of time, this work advanced, the forms and fashions of government seemed to them to be but the scaffolding and apparatus by which the development of a people's greatness was shaped and sustained. Satisfied that the people whose institutions were now to be projected had reached all that measure of strength and fitness of preparation for self-government which old institutions could give, they fearlessly seized the happy opportunity to clothe the people with the majestic attributes of their own sovereignty, and consecrate them to the administration of their own priesthood.

The repudiation by England of the spiritual power of Rome at the time of the Reformation was by every estimate a stupendous innovation in the rooted allegiance of the people, a profound disturbance of all adjustments of authority. But Henry VIII., when he displaced the

dominion of the Pope, proclaimed himself the head of the church. The overthrow of the ancient monarchy of France by the fierce triumph of an enraged people, was a catastrophe that shook the arrangements of society from center to circumference. Napoleon, when he pushed aside the royal line of St. Louis, announced, "I am the people crowned," and set up a plebeian Emperor as the impersonation and depositary in him and his line forever of the people's sovereignty. The founders of our commonwealth conceived that the people of these colonies needed no interception of the supreme control of their own affairs, no conciliations of mere names and images of power from which the pith and vigor of authority had departed. They, therefore, did not hesitate to throw down the partitions of power and right, and break up the distributive shares in authority of ranks and orders of men which indeed had ruled and advanced the development of society in civil and religious liberty, but might well be neglected when the protected growth was assured and all tutelary supervision for this reason henceforth could only be obstructive and incongruous.

A glance at the fate of the English essay at a commonwealth, which preceded, and to the French experiment at a Republic, which followed our own institution "of a new state of a new species," will show the marvelous wisdom of our ancestors, which struck the line between too little and too much: which walked by faith, indeed, for things invisible, but yet by sight for things visible; which dared to appropriate everything to the people which had belonged to Cæsar, but to assume for mortals nothing that belonged to God.

No doubt it was a deliberation of prodigious difficulty, and a decision of infinite moment, which should settle the new institutions of England after the execution of the king, and determine whether they should be popular or monarchical. The problem was too vast for Cromwell, and the great men who stood about him,

and halting between the only possible opinions, they simply robbed the throne of stability, without giving to the people the choice of their rulers. Had Cromwell assumed the state and style of king, and assigned the constitutional limits of prerogative, the statesmen of England would have anticipated the establishment of 1688, and saved the disgraces of the intervening record. If, on the other hand, the ever-recurring consent of the people investing the chief-magistracy had been accepted for the Constitution of the State, the Revolution would have been intelligible, and might have proved permanent. But what a "Lord Protector" was nobody knew, and what he might grow to be, everybody wondered and feared. The aristocracy could endure no dignity above them less than a king. The people knew the measure and title of the chartered liberties which had been wrested or yielded from the king's prerogative; but what the division between them and a Lord Protector would be, no one could forecast. A brief fluttering between the firmament above, and the firm earth beneath, with no poise with either, and the discordant scheme was rolled away as a scroll. A hundred years afterward Montesquieu derided "this important effort of the English to establish a Democracy," and divined the true cause of its failure. The supreme place, no longer sacred by the divinity that doth hedge about a king, irritated the ambitious to which it was inaccessible, except by faction and violence. "The government was incessantly changed, and the astonished people sought for Democracy and found it nowhere. After much violence, and many shocks and blows, they were fain to fall back upon the same government they had overthrown."

The English experiment to make a commonwealth, without sinking its foundations in the firm bed of popular sovereignty, necessarily failed. Its example and its lesson, unquestionably, were of the greatest service in sobering the spirit of English reform in government, to

the solid establishment of constitutional monarchy, on the expulsion of the Stuarts, and in giving courage to the statesmen of the American Revolution to push on to the solid establishment of Republican government, with the consent of the people as its everyday working force.

But if the English experiment stumbled in its logic, by not going far enough, the French philosophers came to greater disaster by overpassing the lines which mark the limits of human authority and human liberty, when they undertook to redress the disordered balance between people and rulers, and renovate the government of France. To the wrath of the people against kings and priests they gave free course, not only to the overthrow of the establishment of the Church and State, but to the destruction of religion and society. They defied man, and thought to raise a tower of man's building, as of old, on the plain of Shinar, which should overtop the battlements of heaven, and to frame a Constitution of human affairs that should displace the providence of God. And now out of all its evil have come the salutary checks and discipline in freedom, which have brought passionate and fervid France to the scheme and frame of a sober and firm Republic like our own, and, we may hope, as durable.

How much, then, hung upon the decision of the great day we celebrate, and upon the wisdom and will of the men who fixed the immediate, and if so, the present fortunes of this people. If the body, the spirit, the texture of our political life had not been collectively declared on this day, who can be bold enough to say when and how independence, liberty, union, would have been combined, confirmed, assured, to this people? Behold now, the greatness of our debt to this ancestry, and the fountain, as from a rock smitten in the wilderness, from which the stream of this nation's growth and power takes its source. For it is not alone in the memory of their wisdom and virtues that the founders of a State transmit and perpetuate their influence in

its lasting fortunes, and shape the character and purposes of its future rulers. "In the birth of societies," says Montesquieu, "it is the chiefs of a State that make its institutions, and afterward it is these institutions that form the chiefs of the State."

And what was this people, and what their traits and training, that could justify this Congress of their great men in promulgating the profound views of government and human nature which the Declaration embodies, and expecting their acceptance as "self-evident"? How had their lives been disciplined, and how their spirits prepared, that the new-launched ship, freighted with all their fortunes, could be trusted to their guidance with no other chart or compass than these abstract truths? What warrant was there for the confidence that upon these plain precepts of equality of right, community of interest, reciprocity of duty, a polity could be framed which might safely discard Egyptian martyrs, and Hebrew reverence, and Grecian subtlety, and Roman strength,—dispen-  
 se, even, with English traditions of

"Primogenity and due of birth,  
 Prerogative of age, crowns, sceptres, laurels."

To these questions the answer was ready and sufficient. The delegates to this immortal assembly, speaking for the whole country, and for the respective colonies, their constituents, might well say:

"What we are, such are this people. We are not here as volunteers, but as their representatives. We have been designated by no previous official station, taken from no one employment or condition of life, chosen from the people at large because they cannot assemble in person, and selected because they know our sentiments, and we theirs, on the momentous questions which our deliberations are to decide. They know that the result of all hangs on the intelligence, the courage, the constancy, the spirit of the people themselves. If these have risen to a height, and grown to a strength and unanimity that our judgment measures as adequate to the struggle for independence, and the whole sum of their liberties, they will accept that issue, and follow that lead. They have taken up arms to maintain their rights, and will not lay them down, till those rights are assured. What the nature and sanctions of this security are to be they understand must be determined by united counsels and concerted action. These they have deputed to us to settle and proclaim, and

this we have done to-day. What we have declared the people will avow and confirm. Henceforth it is to this people a war for the defense of their united independence against its overthrow by foreign arms. Of that war there can be but one issue, and for the rest, as to the Constitution of the new State, its species is disclosed by its existence. The condition of the people is equal, they have the habits of freemen, and possess the institutions of liberty. When the political connection with the parent State is dissolved they will be self-governing and self-governed of necessity. As all governments in this world, good and bad, liberal or despotic, are of men, by men, and for men, this new State, having no castes or rank, or degrees discriminating among men in its population, becomes at once a government of the people, by the people, and for the people. So it must remain, unless foreign conquest or domestic usurpation shall change it. Whether it shall be a just, wise, or prosperous government, it must be a popular government, and correspond with the wisdom, justice, and fortunes of the people."

And so this people, of various roots and kindred of the Old World—settled and transfused in their cisatlantic home into harmonious fellowship in the sentiments, the interests, the habits, the affections which develop and sustain a love of country—were committed to the common fortunes which should attend an absolute trust in the primary relations between man and his fellows, and between man and his Maker. This northern continent of America has been opened and prepared for the transplantation of the full-grown manhood of the highest civilization of the Old World, to a place where it could be free from mixture or collision with competing or hostile elements, and separated from the weakness and the burdens which it would leave behind. The impulses and attractions which moved the emigration and directed it hither, various in form, yet had so much a common character as to merit the description of being public, elevated, moral, or religious. They included the desire of new and better opportunities for institutions consonant with the dignity of human nature, and with the immortal and infinite relations of the race. In the language of the times the search for civil and religious liberty animated the Pilgrims, the Puritans, and the churchmen; the Presbyterians, the Catholics, and the Quakers; the Huguenots, the Dutch, and the Walloons; the Waldenses, the

Germans, and the Swedes, in their several migrations which made up the colonial population. Their experiences and fortunes here had done nothing to reduce, everything to confirm, the views and traits which brought them hither. To sever all political relations, then, with Europe, seemed to these people but the realization of the purposes which had led them across the ocean—but the one thing needful to complete this continent for their home, and to give the absolute assurance of that higher life which they wished to lead. The preparation of the past and the enthusiasms of the future conspired to favor the project of self-government, and invest it with a moral grandeur which furnished the best omens and the best guarantees for its prosperity. Instead of a capricious and giddy exaltation of spirit, as at new-gained liberty, a sober and solemn sense of the larger trust and duty took possession of their souls; as if the Great Master had found them faithful over a few things, and had now made them rulers over many.

These feelings, common to the whole population, were not of sudden origin, and were not romantic, nor had they any tendency to evaporate in noisy boasts, or to run wild in air-drawn projects. The difference between equality and privilege, between civil rights and capricious favors, between freedom of conscience and persecution for conscience' sake, were not matters of moot debate or abstract conviction with our countrymen. The story of these battles of our race was the warm and living memory of their forefathers' share in them, for which, "to avoid insufferable grievances at home, they had been enforced by heaps to leave their native countries." They proposed to settle forever the question, whether such grievances should possibly befall them or their posterity. They knew no plan so simple, so comprehensive, or so sure to this end as to solve all the minor difficulties in the government of society, by a radical basis for its source, a common field for its operation, and an authentic and deliberate method for consulting

and enforcing the will of the people, as the sole authority of the State.

By this wisdom they at least would shift, within the sphere of government, the continuous warfare of human nature, on the field of good and evil, right and wrong,

"Between whose endless jar justice resides,"

from conflicts of the strength of the many, against the craft of the few. They would gain the advantage of supplying the reason of the State; the reason of the people, and decide by the moral and intellectual influences of instruction and persuasion, the issue of who should make, and who administer, the laws. This involved no pretensions of the perfection of human nature, nor did it assume, that, at other times, or under other circumstances, they would themselves have been capable of self-government; or, that other people then were, or ever would be, so capable. Their knowledge of mankind showed them that "this corruptible would put on incorruption," only when this mortal should put on immortality. Nevertheless, they believed in man, and trusted in God, and on these imperishable supports they thought they might rest civil government, for a people who had these living conceptions wrought into their own characters and lives.

The past and the present are the only means by which man foresees, or shapes, the future. Upon the evidence of the past, the contemplation of the present of this people, our statesmen were willing to commence a system which must continually draw for its sustenance and growth upon the virtue and vigor of the people. From this virtue, and this vigor, it can alone be nourished; it must decline in their decline, and rot in their decay. They traced this vigor and this virtue to inexhaustible springs. And, as the unspent heat of a lava soil, quickened by the returning summers, through the vintage of a thousand years, will still glow in the grape, and sparkle in the wine, so will the exuberant forces of a race, supply an unstinted vigor to

mark the virtues of immense populations, and to the remotest generations.

To the frivolous philosophy of human life, which makes all the world a puppet show, and history a book of anecdotes, the moral warfare which makes up the life of man, and the record of his race, seems as unreal and as aimless as the conflicts of the glittering hosts upon an airy field, whose display lights up the fleeting splendors of a northern night. But free government for a great people, never comes from, nor gets aid from, such philosophers. To a true spiritual discernment there are few things more real, few things more substantial, few things more likely to endure in this world, than human thoughts, human passions, human interests, thus molten into the frame and model of our State. "*O morem praeclaram, disciplinamque, quam a majoribus accepimus, si quidem teneamus!*"

I have made no account, as unsuitable to the occasion, of the distribution of the national power between the General and the State governments, or of the special arrangements of executive authority, of legislatures, courts, magistracies, whether of the general or of the State establishments. Collectively, they form the body and the frame of a complete government, for a great, opulent, and powerful people, occupying vast regions, and embracing in their possessions a wide range of diversity of climate, of soil, and of all the circumstantial influences of external nature. I have pointed your attention to the principle, and the spirit, of the government, for which all this frame and body exists, to which they are subservient, and to whose mastery they must conform. The life of the natural body is the blood, and the circulation of the moral and intellectual forces and impulses of the body politic, shapes and moulds the national life. I have touched, therefore, upon the traits that determined this national life, as to be of, from, and for, the people, and not of, from, or for, any rank, grade, part, or section, of them.



In these traits are found the "ordinances, constitutions, and customs," by a wise choice of which the founders of States may, Lord Bacon says, "sow greatness to their posterity and succession."

And now, after a century of growth, of trial, of experience, of observation, and of demonstration, on the spot and on the date of the great Declaration, to compare our age with that of our fathers, our structure with their foundation, our intervening history, and present condition, with their faith and prophecy. That "respect to the opinion of mankind," in attention to which our statesmen framed the Declaration of Independence, we, too, acknowledge as a sentiment most fit to influence us in our commemorative gratulations to-day.

To this opinion of mankind, then, how shall we answer the questioning of this day? How have the vigor and success of the century's warfare comported with the sounding phrase of the great manifesto? Has the new nation been able to hold its territory on the eastern rim of the Continent, or has covetous Europe driven in its boundaries, or internal dissensions dismembered its integrity? Have its numbers kept pace with natural increase, or have the mother countries received back to the shelter of firmer institutions, the repentant tide of emigration? Or have the woes of unstable society distressed and reduced the shrunken population? Has the free suffrage, as a quicksand, loosened the foundations of power, and undermined the pillars of the State? Has the free press, with illimitable sweep, blown down the props and buttresses of order and authority in government, driven before its wind the barriers which fence in society, and unroofed the homes which once were castles, against the intrusion of a king? Has freedom in religion ended in freedom from religion, and independence by law run into independence of law? Have free schools, by too much learning, made the people mad? Have manners declined, letters languished, art faded, wealth

decayed, public spirit withered? Have other nations shunned the evil example, and held aloof from its infection? Or have reflection and hard fortune dispelled the illusions under which this people "burned incense to vanity, and stumbled in their ways from the ancient paths?" "Have they, fleeing from the double destruction which attends folly and arrogance, restored the throne, rebuilt the altar, relaid the foundations of society, and again taken shelter in the old protections against the perils, shocks and changes in human affairs which

"Divert and crack, rend and deracinate  
The unity and married calm of States  
Quite from their fixture?"

Who can recount in an hour what has been done in a century on so wide a field, and in all its multitudinous aspects? Yet I may not avoid insisting upon some decisive lineaments of the material, social and political development of our country, which the record of the hundred years displays, and thus present to the "opinion of mankind" for its generous judgment, our nation as it is to-day—our land, our people, and our laws. And first we notice the wide territory to which we have steadily pushed on our limits. Lines of climate mark our boundaries North and South, and two oceans East and West. The space between speaking by and large, covers the whole "temperate zone of the continent, and in area measures near tenfold the possessions of the thirteen colonies;" the natural features, the climate, the productions, the influences of the outward world are all implied in the immensity of this domain, for they embrace all that the goodness and the power of God have planned for so large a share of the habitable globe. The steps of the successive acquisitions, the impulses which assisted, and the motives which retarded the expansion of our territory, the play of the competing elements in our civilization, and their incessant struggle, each to outrun the other, the irrepressible conflict thus nursed in the bosom of the

State, the lesson in humility and patience "in charity for all, and malice toward none," which the study of the manifest designs of Providence so plainly teach us—those may well detain us for a moment's illustration.

And this calls attention to that ingredient of the population of this country, which came, not from the culminated pride of Europe—but from the abject despondency of Africa. A race discriminated from all the converging streams of immigration which I have named by ineffaceable distinctions of nature, which was brought hither by a forced immigration, and into slavery, while all others came by choice and for greater liberty; a race unrepresented by the Congress which issued the Declaration of Independence, but now in the persons of 4,000,000 of our countrymen raised, by the power of the great truths then declared, as it were from the dead, and rejoicing in one country, and the same constituted liberties as ourselves.

In August, 1620, a Dutch slave ship landed her freight in Virginia, completing her voyage soon after that of the Mayflower commenced. Both ships were on the ocean at the same time, both sought our shores and planted their seeds of liberty and slavery to grow together on this chosen field, until the harvest. Until the separation from England the several colonies attracted each their own emigration, and from the sparseness of the population, both in the Northern and Southern colonies, and the policy of England in introducing African slavery, wherever it might in all of them, the institution of slavery did not raise a definite and firm line of division between the tides of population, which set in upon New England and Virginia from the Old World, and from them later, as from new points of departure, were diffused over the continent. The material interests of slavery had not become very strong, and in its moral aspects no sharp division of sentiment had yet shown itself. But, when unity and independence of government were accepted by the colonies,

we shall look in vain for any adequate barrier against the natural attractions of the softer climate and rich productions of the South, which could keep the Northern population in their harder climate, and on the less grateful soil, except the repugnance of the two systems of free and slave labor to commixture. Out of this grew the impatient, and apparently premature, invasion of the Western wilds, pushing constantly forward in parallel lines the outposts of the rival interests. What greater enterprise did for the Northern people in stimulating this movement was more than supplied to the Southern by the pressing necessity for new lands, which the requirements of the system of slave cultivation imposed. Under the operation of these causes the political divisions of the country built up a wall of partition running east and west, with the novel consequence of the "Border States" of the country being ranged, not on our foreign boundaries, but on this middle line, drawn between the free and slave States. The successive acquisitions of territory, by the Louisiana purchase, by the annexation of Texas, and by the treaty with Mexico, were all in the interest of the Southern policy, and, as such, all suspected or resisted by the rival interest in the North. On the other hand, all schemes or tendencies toward the enlargement of our territory on the north, were discouraged or defeated by the South. At length, with the immense influx of foreign immigration, reinforcing the flow of population, the streams of free labor shot across the continent. The end was reached. The bounds of our habitation were secured. The Pacific possessions became ours, and the discovered gold rapidly peopled them from the hives of free labor. The rival energies and ambitions which had fed the thirst for territory had served their purpose, in completing and assuring the domain of the nation. The partition wall of slavery was thrown down—the line of border States obliterated, those who had battled for territory, as an extension and

perpetuation of slavery, and those who fought against its enlargement as a disparagement and a danger to liberty, were alike confounded.

Those who feared undue and precipitate expansion of possessions, as loosening the ties of union, and those who desired it as a step toward dissolution, have suffered a common discomfiture. The immense social and political forces, which the existence of slavery in this country, and the invincible repugnance to it of the vital principles of our State together generated, have had their play upon the passions and the interests of this people, have formed the basis of parties, divided sects, agitated and invigorated the popular mind, inspired the eloquence, inflamed the zeal, informed the understandings, and fired the hearts of three generations. At last the dread debate escaped all bounds of reason, and the nation in arms, solved, by the appeal of war, what was too hard for civil wisdom. With our territory unmutated, our Constitution uncorrupted, a united people in the last years of the century crowns with new glory the immortal truths of the Declaration of Independence by the emancipation of a race.

I find then, in the method and results of the century's progress of the nation in this amplification of its domain, sure promise of the duration of the body politic, whose growth to these vast proportions has as yet, but laid out the ground plan of the structure. For I find the vital forces of the free society and the people's government, here founded, have by their own vigor, made this a natural growth; strength and symmetry, the great frame as its bulk increased, and the spirit of the nation animates the whole,

—“Totamque, infusa per artus,  
Mens agitat molem, et magno se, corpore miscet.”

We turn now from the survey of this vast territory, which the closing century has consolidated and confirmed as the ample home for a nation to exhibit the greatness in numbers, the spirit, the character, the port and mien of the

people that dwell in this secure habitation. That in these years our population has steadily advanced, till it counts 40,000,000 instead of 3,000,000, bears witness not to be disparaged or gainsaid, to the general congruity of our social and civil institutions with the happiness and prosperity of man. But, if we consider further the variety and magnitude of foreign elements to which we have been hospitable, and their ready fusion with the earlier stocks, we have new evidence of strength and vivid force in our population, which we may not refuse to admire. The disposition and capacity thus shown give warrant of a powerful society. “All nations,” says Lord Bacon, “that are liberal of naturalization are unfit for empire.”

Wealth in its mass, and still more in its tenure and diffusion, is a measure of the condition of a people which touches both its energy and morality. Wealth has no source but labor. “Life has given nothing valuable to man without great labor.” This is as true now as when Horace wrote it. The prodigious growth of wealth in this country, is not only therefore, a signal mark of prosperity, but proves industry, persistency, thrift, as the habits of the people. Accumulation of wealth, too, requires and imparts security, as well as unfettered activity; thus it is a fair criterion of sobriety and justice in a people, certainly, when the laws and their execution rest wholly in their hands. A careless observation of the crimes and frauds which attack prosperity, in the actual condition of our society, and the imperfection of our means for their prevention and redress, leads sometimes to an unfavorable comparison between the present and the past, in this country, as respects the probity of the people. No doubt covetousness has not ceased in the world, and thieves still break through and steal. But, the better test upon this point is the vast profusion of our wealth and the infinite trust shown by the manner in which it is invested. It is not too much to say that in our times, and conspicuously in our country, a large

share of every man's property is in other men's keeping and management, unwatched, and beyond personal control. This confidence of man in man is ever increasing, measured by our practical conduct, and refutes these disparagements of the general morality.

Knowledge, intellectual activity, the mastery of nature, the discipline of life—all that makes up the education of the people—are developed and diffused through the masses of our population, in so ample and generous a distribution as to make this the conspicuous trait in our national character, as the faithful provision and extension of the means and opportunities of this education, are the cherished institutions of the country. Learning, literature, science, art, are cultivated, in their widest range and highest reach, by a larger and larger number of our people, not, to their praise be it said, as a personal distinction or a selfish possession, but, mainly, as a generous leaven, to quicken and expand the healthful fermentation of the general mind, and lift the level of popular instruction. So far from breeding a distempered spirit in the people, this becomes the main prop of authority, the great instinct of obedience. "It is by education," says Aristotle, "I have learned to do by choice what other men do by constraint of fear."

The breed and disposition of a people, in regard of courage, public spirit and patriotism are, however, the test of the working of their institutions which the world most values, and upon which the public safety most depends. It has been made a reproach of Democratic arrangements of society and government, that the sentiment of honor, and of pride in public duty, decayed in them. It has been professed that the fluctuating currents, and the trivial perturbations of their public life, discouraged strenuous endeavor and lasting devotion in the public service. It has been charged, as a consequence, the distinct service of the State suffered, office and magistracy were belittled, social sympathies cooled, love of country drooped, and selfish

affections absorbed the powers of the citizens, and ate into the hearts of the commonwealth.

The experience of our country rejects these speculations as misplaced, and these fears as illusory. They belong to a condition of society above which we have long since been lifted, and toward which the very scheme of our national life prohibits a decline. They are drawn from the examples of history, which lodged power formally in the people, but left them ignorant and abject, unfurnished with the means of exercising it in their own right, and for their own benefit. In a democracy wielded by the arts, and to the ends of a patrician class, the less worthy members of that class, no doubt threw by the disdain which noble characters must always feel for the methods of deception and insincerity, and crowded them from the authentic service of the State. But, through the period whose years we count to-day, the greatest lesson of all is the preponderance of public over private, of social over selfish tendencies and purposes in the whole body of the people, and the persistent fidelity to the genius and spirit of popular institutions, of the educated classes, the liberal professions, and the great men of the country. These qualities transfuse and blend the hues and virtues of the manifold rays of advanced civilization into a sunlight of public spirit and fervid patriotism which warms and irradiates the life of the nation. Excess of publicity as the animating spirit and stimulus of society, more probably than the lack, will excite our solitudes in the future. Even the public discontents take on this color, and the mind and heart of the whole people ache with anxieties and throb with griefs which have no meaner scope than the honor and safety of the nation.

Our estimate of the condition of this people at the close of a century—as bearing on the value and efficiency of the principles on which the government was founded, in maintaining and securing the permanent well-being of a nation—would, indeed, be incomplete if we

to measure the power and purity of the elements which pervade and elevate it. One might as well expect our land its climate, its fertility, its salubrity, and its industry, were the globe loosened from the law holds it in an orbit, where we feel the irradiated radiance of the sun, as to count upon the preservation of the delights and glories of life for a people cast loose from religion, by which man is bound in harmony with the government of the world.

It is quite certain that the present day shows a solemn absorption in the exalted themes of emblematic piety, as marked the prevalent spirit of the people a hundred years ago; nor is there a want of enthusiasm for the speedy renovation of the world as burst upon us in the marvellous and wide system of vehement religious and practical good works, in the early part of the nineteenth century. But these fires are brilliant, only because they are more powerful to diffuse their heat in well-formed habits and manifold agencies of beneficent activity. They pervade and permeate society in every direction. They travel with the outposts of civilization, and outrun the caucus, the convention and the suffrage.

The church, throughout this land, upheld by the moral establishment, rests all the firmer on the rock on which its founder built it. The masses of our countrymen to-day, find in the Bible in their worship, the Bible in their schools, the Bible in their households—the most potent lessons of the fear of God and the love of man, which make them obedient servants to the Constitution of their country, in all its duties, and ready with their lives to sustain it in the fields of war. And now, at the end of a hundred years, the Christian faith collects its powers throughout our land, as at the beginning. What half a century ago was hoped for, prophesied for our far future, goes out to fulfillment. The prophecy then uttered, has become a truth—a realization.

"As the sun rises on a Sabbath morning, and travels westward from Newfoundland to the Oregon, he will behold the countless millions assembling, as if by a common impulse, in the temples with which every valley, mountain and plain will be adorned. The morning psalm and the evening anthem will commence with the multitudes on the Atlantic coast, be sustained by the loud chorus of ten thousand times ten thousand in the valley of the Mississippi, and be prolonged by the thousands of thousands on the shores of the Pacific."

What remains but to search the spirit of the laws of the land as framed by, and modeled to, the popular government to which our fortunes were committed by the Declaration of Independence? I do not mean to examine the particular legislation, State or general, by which the affairs of the people have been managed, sometimes wisely and well, at others feebly and ill, nor even the fundamental arrangement of political authority, or the critical treatment of great junctures in our policy and history. The hour and the occasion concur to preclude so intimate an inquiry. The chief concern in this regard to us and to the rest of the world, is, whether the proud trust, the profound radicalism, the wide benevolence which spoke in the "Declaration," and were infused into the "Constitution" at the first, have been in good faith adhered to by the people, and whether now these principles supply the living forces which sustain and direct government and society.

He who doubts, needs but to look around to find all things full of the original spirit, and testifying to its wisdom and strength. We have taken no steps backward, nor have we needed to seek other paths in our progress than those in which our feet were planted at the beginning. Weighty and manifold have been our obligations to the great nations of the earth, to their scholars, their philosophers, their men of genius and of science, to their skill, their taste, their invention, to their wealth, their arts, their industry. But, in the institutions and methods of government; in civil prudence, courage, or policy; in statesmanship, in the art of "making of a small town a great city," in the adjustment of authority to liberty; in the concurrence of

reason and strength in peace, of force and obedience in war; we have found nothing to recall us from the course of our fathers, nothing to add to our safety, or aid our progress in it. So far from this, all modifications of European politics accept the popular principles of our system, and tend to our model. The movements toward equality of representation, enlargement of the suffrage, and public education in England; the restoration of unity in Italy; the confederation of Germany under the lead of Prussia; the actual Republic in France; the unsteady throne of Spain; the new liberties of Hungary; the constant gain to the people's share in government throughout all Europe; all tend one way, the way pointed out in the Declaration of Independence.

The care and zeal with which our people cherish and invigorate the primary supports and defenses of their own sovereignty, have all the unswerving force and confidence of instincts. The community and publicity of education, at the charge and as an institution of the State, is firmly embedded in the wants and desires of the people. Common schools are rapidly extending through the only part of the country which had been shut against them, and follow close upon the footsteps of its new liberty to enlighten the enfranchised race. Freedom of conscience easily stamps out the first sparks of persecution, and snaps as green, withes the first bonds of spiritual domination. The sacred oracles of their religion the people wisely hold in their own keeping as the keys of religious liberty, and refuse to be beguiled by the voice of the wisest charmer into loosing their grasp.

Freedom from military power and the maintenance of that arm of the government in the people; a trust in their own adequacy as soldiers, when their duty as citizens should need to take on that form of service to the State; these have gained new force by the experience of foreign and civil war, and a standing army is a remoter possibility for this nation, in its present or pros-

pective greatness than it was in the days of its small beginnings.

But, in the freedom of the press, and the universality of the suffrage as maintained and exercised to-day throughout the length and breadth of the land, we find the most conspicuous and decisive evidence of the unspent force of the institutions of liberty, and the jealous guard of its principal defenses. These indeed, are the great agencies and engines of the people's sovereignty. They hold the same relations to the vast Democracy of modern society that the persuasions of the orators and the personal voices of the assembly did in the narrow confines of the Grecian States. The laws, the customs, the impulses, and sentiments of the people have given wider and wider range and license to the legislations of the press, multiplied and more frequent occasions for the exercise of the suffrage, larger and larger communication of its franchise. The progress of a hundred years finds these prodigious activities in the fullest play—incessant and all powerful—indispensable in the habits of the people, and impregnable in their affections. The public service, and their subordination to the public safety stand in their play upon one another, and in their freedom thus maintained. Neither could long exist in true vigor in our system without the other. Without the watchful, omnipresent, and indomitable energy of the press the suffrage would languish, would be subjugated by the corporate power of the legions of placemen which the administration of the affairs of a great nation imposes upon it, and fall a prey to that "vast patronage which," we are told, "distracted, corrupted and finally subverted the Roman Republic." On the other hand, if the impressions of the press upon the opinions and passions of the people found no settled and ready mode of their working out, through the frequent and peaceful suffrage, the people would be driven to satisfy their displeasure at government, or their love of change, to the coarse

methods of barricades and batteries, by the force of arms, as it were.

We cannot then, hesitate to declare that the original principles of equal society and popular government still inspire the laws, live in the habits of the people, and animate their purposes and their hopes. These principles have not lost their spring or elasticity. They have sufficed for all the methods of government in the past; we feel no fear for their adequacy in the future. Released now from the tasks and burdens of the formative period, these principles and methods can be directed with undivided force to the everyday conduct of government, to the staple and steady virtues of administration. The feebleness of crowding the statute-books with unexecuted laws; the danger of power outgrowing or evading responsibility, the rashness and fickleness of temporary expedients, the constant tendency by which parties decline into factions, and end in conspiracies, all these mischiefs beset all governments, and are part of the life of each generation. To deal with these evils—the tasks and burdens of the immediate future—the nation needs no other resources than the principles and the examples which our past history supply. These principles, these examples of our fathers, are the strength and the safety of our State to-day: "*Moribus antiquis, stat res Romana, virisque.*"

Unity, liberty, power, prosperity—these are our possessions to-day. Our territory is safe against foreign dangers; its completeness dissuades from further ambition to extend it, and its rounded symmetry discourages all attempts to dismember it. No division into greatly unequal parts would be tolerable to either. No imaginable union of interests or passions large enough to include one-half the country, but must embrace much more. The madness of partition into numerous and feeble fragments could proceed only from the hopeless degradation of the people, and would form but an incident in the general ruin.

The spirit of the nation is at the highest—its triumph over the inborn, inbred perils of the Constitution has chased away all fears, justified all hopes, and with universal joy we greet this day. We have not proved unworthy of a great ancestry; we have had the virtue to uphold what they so wisely, so firmly established. With these proud possessions of the past, with powers matured, with principles settled, with habits formed, the nation passes as it were, from preparatory growth to responsible development of character, and the steady performance of duty. What labors await it, what trials shall attend it, what triumphs for human nature, what glory for itself, are prepared for this people in the coming century, we may not presume to foretell. "One generation passeth away, and another generation cometh, but the earth abideth forever," and we reverently hope that these, our constituted liberties, shall be maintained to the unending line of our posterity, and so long as the earth itself shall endure.

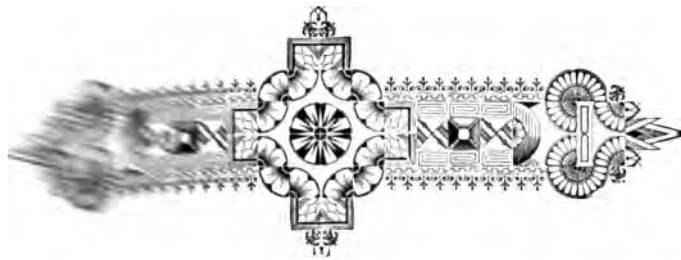
In the great procession of nations, in the great march of humanity, we hold our place. Peace is our duty, peace is our policy. In its arts, its labors, and its victories, then, we find scope for all our energies, rewards for all our ambitions, renown enough for all our love and fame. In the august presence of so many nations which, by their representatives, have done us the honor to be witnesses of our commemorative joy and gratulation, and in sight of the collective evidences of the greatness of their own civilization with which they grace our celebration, we may well confess how much we fall short, how much we have to make up in the emulative competitions of the times. Yet, even in this presence, and with a just deference to the age, the power, the greatness of the other nations of the earth, we do not fear to appeal to the opinion of mankind whether, as we point to our land, our people, and our laws, the contemplation should not inspire us with a lover's enthusiasm for our country.



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“... EVARTS.

... How shall they estimate the part we bear  
... in the unbroken line of the nation's progress?  
... And so on, in the long reach of time, forever and  
... forever, our place in the secular roll of the ages  
... must always bring us into observation and  
... criticism; will place us under the observant gaze  
... of all peoples. Under this double trust, then,  
... from the past, and for the future let us take heed  
... to our ways, and while it is called to-day, resolve  
... that the great heritage we have received shall  
... be handed down through the long line of the  
... advancing generations, the home of liberty, the  
... abode of justice, the stronghold of faith among  
... men, “which holds the moral elements of the  
... world together,” and of faith in God, which  
... binds that world to His throne.









WILLIAM D. KELLEY.

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## WILLIAM D. KELLEY.

**W**ILLIAM D. KELLEY is styled the "Father of the House." He is the Representative from the Fourth Congressional District of Pennsylvania, and held that post of honor and usefulness since 1860, when he was first elected. He was born in the city of Philadelphia, April 12, 1814. He was the son of poor parents, and was early left an orphan, and obliged to win his own way by work and energy. He succeeded in earning a fair education, and worked for some time in a printing office; this he abandoned, however, and became an apprentice in a jewelry establishment. He spent five years in Boston, working as a journeyman at his trade, and, during his spare hours, studying law. He returned to his native city, and in 1841 was admitted to the bar. He devoted himself with energy and diligence to his chosen work, and prospered. He was twice elected to the office of Prosecuting Attorney for the City and County of Philadelphia, and in 1846 he became Judge of the Court of Common Pleas, holding that office for ten years.

Until 1856 he was a Democrat; but the course of that party, which culminated in the repeal of the Missouri Compromise, was contrary to his sense of right and justice, and he united his fortunes—politically—with the young Republican party. The same year he became the Republican candidate for Congress in his district, but was defeated.

In 1860 he was a delegate to the convention of the Republican party which named Abraham Lincoln as its standard bearer and candidate for the Presidency. The same year Mr. Kelley was again nominated for Congress, and elected. He has been honored with eleven re-elections. From the first he took a leading position in the work of the House. The country was on the eve of war. Courage and wisdom were twin virtues demanded in every public servant. William D. Kelley was never found wanting. He was determinedly opposed to all extension of slavery. He would listen to no proposition to dissolve the Union. He would fight for the integrity of the nation in its territory and its Constitution. He contended for the equal rights of all races

and classes in the question of citizenship.

He advocated the enactment of wise tariff regulations and aids to the development of home industries and resources.

He has made a thorough study of the financial questions before the country, and has advocated those measures that have established the public credit, and advanced private prosperity; not of the

few only, but of the masses. So able is Mr. Kelley considered by his associates, that he is placed at the head of the important Committee on Ways and Means.

In 1879 he visited Europe, and conferred with the greatest leaders on the Continent on monetary affairs.

His worth is known and appreciated, not alone in his own country, but in foreign lands.

### REPEAL OF THE RESUMPTION CLAUSE.

*Mr. Kelley's speech, delivered in the House of Representatives, November 15, 1877.*

MR. SPEAKER: I ask gentlemen to bear with me while I make what, in theological parlance, would be called a doctrinal discourse, and to presume that in the course of it I may answer questions which may occur to them as I proceed.

I do not say that I am unwilling to be interrupted; but I hope gentlemen will not interrupt me unless they may have some specific misstatement to correct, or question pertinent to the point I may then have under consideration. My speech is unwritten, and such interruptions might, as I once heard a distinguished gentleman say, when uttering an impromptu speech, which had been carefully prepared and committed to memory, "disturb the concatenation of ideas."

I propose, sir, to continue an argument which I first began on this floor on the 3d of January, 1867, nearly eleven years ago, when pointing out the inevitable results of an attempt to resume specie payments by contracting a volume of currency that was, in the main, legitimately

and profitably employed. In doing so I drew as you will perceive, a fair picture of the course of financial events during the intervening period, and of the present condition of our country. I said:

"The experiment, if attempted as a means of hastening specie payments, will prove a failure, but not a harmless one. It will be fatal to the prospects of a majority of the business men of this generation, and strip the frugal laboring people of the country of the small but hard-earned sums they have deposited in savings-banks, or invested in government securities. It will make money scarce, and employment uncertain. Its object is to reduce the amount of that, which, in every part of the country, and for the hundreds of thousands of millions of dollars of domestic trade, is money, and to increase its purchasing power; and by thus unsettling values it will paralyze trade, suspend production, and deprive industry of employment. It will make the money of the rich man more valuable, and deprive the poor man of his entire capital, the value of his labor, by depriving him of employment. Its first effect will be to increase the rate of interest and diminish the rate of wages, and its final effect, wide-spread bankruptcy and a more protracted suspension of specie payments."

In 1872 and 1873 the rates of interest were at the maximum, and the market for labor and the rates of wages began to decline.

The course of administration and legislation,

from the time of which I spoke, has been steadily in the direction against which I so earnestly protested, and I do not wonder that it has been so, for when the blind lead the blind both are liable to go into a ditch. I have before me a paper, fresh from the pen of the man who inaugurated, and has steadily championed the policy of resumption by contraction, who, having been the president of a large bank in Indiana, was, in deference to his large experience as a banker, brought to this city to act as Comptroller of the Currency, who was transferred from that position to the Secretaryship of the Treasury, and has since been known as the head of a great American banking house in London, and who exhibits in this paper such ignorance of the very elements of the question at issue as relieves me from astonishment that the country, under his guidance, should have gone from prosperity to bankruptcy. The remarks to which I have invited the attention of the House were made in response to the announcement of Hugh McCulloch, as Secretary of the Treasury, that by the process of contraction we should have resumed specie payments before the maturity of the compound interest and 7.30 notes, or, in other words, in two years from the date of his manifesto. Let me, Mr. Speaker, invite the attention of gentlemen to this man's latest utterances, in order to show how, by following the lead of such a teacher, they have lost sight of the real questions at issue, and are laboring in a fantastic way upon the surface of the main subject. The opening paragraph of this paper indicates an ignorance discreditable to the country whose Secretary of the Treasury and Comptroller of the Currency its author has been, or, sir, a mendacity which invokes all the opprobrious epithets which have been hurled by gentlemen at each other from the clerk's desk and elsewhere across this House. Listen to it. I read from the "North American Review" for November and December, the leading paper of which is by Hugh McCulloch, and the first

paragraph of which article upon that subject, reads thus:

"All the great financial troubles which have occurred in the United States have been the result of the plethora of paper money, and the crisis has always been reached when its volume was the largest."

Sir, when had we paper money prior to the issue of the greenback? Never. And if the statements in that paragraph be not false, it must be true that the shadow of the coming greenback of 1862 produced a plethora in 1857, in 1842, in 1837, and way back to 1821, when the title to some of the best properties in Philadelphia passed on no other consideration than the ground rent, which was the price originally agreed to be paid for the unimproved ground. Is this man of such enlarged experience, incapable of perceiving the broadest distinctions, or does he mendaciously seek to beguile his countrymen into indifference to the contrast which inheres between money—that which pays all debts, which is a legal tender—and bank notes—which are private debts, mere promises to pay money? He speaks of private or corporate credit as money. It cannot be that one who has presided over a bank, been the Comptroller of our Currency, and Secretary of the Treasury, does not know the difference between money, which liquidates debt, and debt, which is to be liquidated in money. He adds:

"And the crisis has always been reached when its volume was the largest."

Now, let me make a truthful paragraph of this one. To be truthful, it should read thus: All the great financial troubles which have occurred in the United States have been the result of a plethora of bank notes, or promises to pay money; and the crisis has always been reached when the volume of such promises was largest, and the money held by those who issued them with which to redeem them, was least.

Let me now proceed to examine Mr. McCulloch's second paragraph. It reads thus:

"Up to the passage of the legal-tender acts the protection against continued over-issues existed in the power

of the States over their banking institutions, and in the force of public sentiment."

Did the Ex-Secretary of the Treasury believe that the States had the constitutional right, or had ever exercised the power "to coin money and regulate the value thereof," or to "make anything but gold and silver coin a tender in payment of debts;" and that they had delegated these high prerogatives to banks of their own creation? Or did he know that such unwarranted assertions were calculated to begot the judgment of his confiding followers on this vital question? He continues:

"In most, if not all of the States, banks forfeited their charters by suspension, and their suspension was tolerated for such a period only as was necessary to enable them to resume without too severe pressure upon their debtors, and too great disturbance of their business."

What was the suspension of which Mr. McCulloch speaks? It was the suspension of the payment of money on demand in accordance with the promise expressed on their notes. When they had inflated, not the money but the currency, until the community thus tempted into speculation was at their mercy, and they did in combination, what had any one of them done alone, would have been an act of bankruptcy—suspended the payment of money on their promises.

Mr. McCulloch tells us that after due time the banks would resume. The truth is that after their notes had been issued without the restraint imposed by the fear of being called upon to redeem them, and after this sufficient volume of irredeemable currency had quickened production, and enabled the people to earn money enough for the purpose, and bring it into the country, they would resume. What did they resume? Why, they resumed the payment of money for their notes, promising such payment at all times on demand.

But, as if to cap the climax of his absurdities, our logical and experienced financier adds:

"The suspension of the banks put a check at once upon credit, and an end to overtrading and speculation."

Mr. Speaker, it is impossible that he who had been president of a leading bank can have believed this assertion; because, and I appeal to the experience of every business man on this floor as to the correctness of my allegation, when the banks saw difficulties threatening to overwhelm them, they set about contracting their loans, called in payments from their debtors, refused discounts, and crippled business generally, in the vain hope of saving themselves from the fate they had invited by the undue expansion of their circulation. Suspension relieved them from liability to be called upon to pay their notes, and they issued irredeemable paper *ad libitum*; and, as I have already intimated, that paper, the irredeemable promises of private corporations though it was, was accepted as a medium of exchange, and gave life to enterprise, quickened industries, and enabled the people to earn the money by which the banks could ultimately resume the payment of money. Now, sir, I take leave of this branch of the subject with the remark, that, for ignorance and mendacity there are, I apprehend, in the English language, no two successive paragraphs of like brevity from the pen of any man of national reputation, which equal these from the pen of a late Secretary of the Treasury of the United States.

I have made these remarks, not for the purpose of criticising Mr. McCulloch, but in order to reach a good standpoint, from which to present the difficulties that lie in the path to resumption. The confusion of mind, if in his case it be confusion, that afflicts Mr. McCulloch, seems to have extended to many of the gentlemen on this floor. I desire to say that, in the progress of this grave discussion, I shall bandy no epithets. I have convictions upon the functions of money, and those of credit, which I have carried for more than forty years of manhood, which I have tested by the phenomena that have marked each of the rapidly recurring financial crises in my own country, and of those which have oc-

curred elsewhere when I could get the details of the current history, and in which I am more confirmed with each passing year. Yet I can understand that gentlemen may differ from me honestly and fairly, without proving themselves to be gamblers, thieves, swindlers, or wanting in appreciation of, and devotion to, the honor of their country. And I shall continue to believe that each gentleman who speaks on this floor, utters the convictions of an honest man and a patriot.

The question before the American people to-day, is not between gold and the inconvertible paper of the government, which by its legal-tender character is money. It is between paper money and bank credits, which, in the absence of a sufficient supply of metallic money with which to convert them, will continue to be irredeemable. I have conversed confidentially with many bankers, and have not found one of them, when speaking thus confidentially, who did not admit that, though the Treasury may resume specie payments on the 1st of January, 1879, it cannot maintain them a week. The inadequate supply of bullion on which it may resume will, some of them have said, be exhausted on that day, by the holders of certificates of deposit, and banks which will have sent forward large amounts of notes for redemption, and the gold having thus been transferred to the banks, and the Treasury having again suspended, the time will have arrived for a renewal of profits on sales of gold, by those banks that may have happened to present their demands in time. What the effect of a new suspension by the government would be on the price of gold, none can predict, as no one is able to predict the duration of the suspension.

Upon what demands do we propose to resume gold payments? Over \$300,000,000 of greenbacks; over \$300,000,000 of bank-notes. I have here (to continue the list) Mr. S. Dana Horton's work on Silver and Gold, in which I find some things from which to dissent, and much to com-

mend; but the facts embodied in which have been most carefully compiled. It gives on page 44 the debt statement for September, 1876, when the national debt was \$2,203,902,645. The nominal amount of outstanding State securities is given as about \$385,000,000, of city securities \$543,000,000, of railroad and canal bonds about \$2,170,000,000. Gentlemen may say, "Why, the passage of this act does not mature those obligations!" No, gentlemen, it does not; and I do not pretend to assume that the conversion of all, or even of a considerable percentage of them will be sought; but, when you remember that all those securities are marketable in our market, it matures all of them that may be held by foreigners who can send them home, have them sold, and draw for the proceeds in gold. It puts our government in the attitude of holding itself up as the reservoir of gold from which all its creditors and those of our people (and they are to be found in every civilized nation) may draw for gold when they need or desire it. The act does make payable in gold the deposits in our national, State, private, and savings banks, which amount to thousands of millions. It puts upon the gold-paying basis all book-accounts, promissory notes, and mortgage and judgment debts. It piles up such an amount of debt as no nation has ever undertaken to pay in money based on a single metal. And with what do you propose to pay it? Gold, I know. What gold have you? Why, five resolutions, ingeniously contrived to extort information, brought us the fact that in July of the long session of the last Congress the Treasury had of real gold at its absolute disposal \$13,000,000; for in the amount of gold named by the Treasury in monthly-debt statements we have bonds retired, but which have not been cancelled; we have coupons paid, but which have not gone into the account of coupons paid. The major part of the gold reported as in the Treasury is paper gold, against which parties have claims, or paper which the government has paid and

not yet found time to carry into account and to cancel.

Where are we to obtain an adequate amount of gold? Who has it to spare? By what means are we to get it? When London, or rather England, on a commercial transaction made with the syndicate, owed us \$21,000,000, while Mr. George S. Boutwell was still Secretary of the Treasury, the bank and the business men of England became alarmed at the possibility of the withdrawal of so large an amount of bullion from that country; and Secretary Boutwell, having subsequently become a Senator from Massachusetts, stated the facts on the floor of the Senate, and showed that the Bank of England interfered and threatened destruction to American credit if a contract was not made to bring the paltry sum of \$21,000,000, a little over £4,000,000 sterling, home in government bonds bought in London. And Mr. Boutwell concluded his statement with the exclamation, "We were compelled to submit."

But, sir, the United States government had a judgment awarded it by a tribunal more august than any which ever adjudicated the claim of a suitor. The high joint commission, representing the two most powerful nations of the earth, the sovereignty of England and that of the United States, after due deliberation at Geneva, found that we were entitled to \$15,500,000 in gold. Such was the judgment of that august tribunal. What was the sequel? Did we, on settlement, bring \$15,500,000 of metal to replenish our exhausted supply? Oh, no. I speak again upon the authority of him who was then Secretary of the Treasury, Mr. Boutwell. The government of England induced our own State department to suggest to our Treasury department that to bring home that award as the court had adjudged it to us, in gold, would produce a financial crisis, and that we should therefore, in the same spirit of amity which had submitted to arbitration the great issues between us, accept

payment in our own bonds. And again we were compelled to submit—again we were obliged to yield to her suggestion.

But later still, sir, within three months the government of British India advertised in London for a loan of £3,000,000 sterling, \$15,000,000; and the "Economist," the "Times," and all the leading journals of England announced that the proposed loan was producing perturbation in business circles, because, if the proceeds were to be sent to India in money, it might produce a financial crisis? Why produce a financial crisis? If sent in money of India, why it would be silver, which is not money in England. Yes, that fact was recognized; but it was also remembered that Germany needed gold, and if that loan was to be sent to India in money, Germany; it was said, would supply the silver and take in exchange therefor England's gold money to the amount of £3,000,000 sterling.

Yet gentlemen talk on this floor and elsewhere as flippantly about selling \$200,000,000 of 4 per cent. bonds for gold and bringing the proceeds home as though gold were one of the products of the shops of Birmingham or Sheffield which British manufacturers would be glad to sell. The amount of gold necessary to enable us to maintain specie payments is not in the possession, with power to dispose thereof to a foreign nation, of any government or people on the face of the globe; and such amounts as can be spared by any of them will not be permitted to come to a debtor nation whose bonds may be sent home in settlement of international balances.

Why, of course, gentlemen, England will allow the gold to come over here for \$200,000,000 of 4 per cent. bonds. She will not send over for conversion any of our overdue bonds. She will hold them, and allow you to produce a financial convulsion by withdrawing all the bullion the Bank of England now holds, which is less than \$115,000,000. No! You can resort to the exclusive use of irredeemable bank notes



on the 1st of January, 1879, but you cannot resume gold payments.

An engineer, Mr. Speaker, who, having been employed to remove a great structure, should begin by digging away the foundation, would soon find himself restrained by injunction, sued out by his neighbors, or being where a court was not accessible, physical force would restrain him from bringing the superstructure upon the heads of his neighbors. Yet what do you propose to do with that great and complicated structure, the currency, production, and trade of the United States? The currency with which exchanges are effected now consists of three hundred and odd millions of bank notes which are not legal tenders, and which are redeemable in \$315,000,000 of greenbacks, which are legal tenders, and are therefore, money; money which must be received by State, county, municipal governments in payment of taxes and other claims, which must be received by the national government for every obligation save one—duty on imports; which must be received by every citizen from the government in payment of all debts save one—interest on a coin-bearing bond. Your bank notes, in the absence of gold, the sufficient accumulation of which is impossible, are convertible into this money, with which mortgages, judgments, and every debt may be liquidated, and you propose to remove the money which is the foundation, and to leave the superstructure stand. You propose to maintain a law which decrees from and after the 1st of January, 1879, with a diminishing reserve, and an increasing volume of notes redeemable by that reserve, to make every debtor in the country liable to his private creditor, and the nation in its public character, liable to all its foreign and domestic creditors in gold. The banks, if greenbacks continue to be retired before an increasing bank circulation, may, by that date, be unable to redeem, even in these greenbacks.

Mr. Speaker, I tell gentlemen they are at-

tempting an impossibility. The laws of trade cannot be controlled by the wisest and most potential government. As well attempt to regulate the laws of gravitation or refraction as to legislate the flow of gold from creditor to debtor nations in an era like the present. The banks understand all this. They know that there can be no resumption of specie payments, and they hope to obtain control of the entire circulation of the country. They are here in their might and power, to control our legislation. They invaded different committee rooms yesterday. They went, so the newspapers tell me, to the Executive Chamber with three Cabinet ministers as captives in their train. I hope it is not true; I do not believe it; I am unwilling to believe it; I will not believe it till it is proven, that forty or fifty men who hold the money-bags of our Eastern cities may come here and three Cabinet ministers abandon their posts of duty and escort them with servility to the Executive Chamber, while deaf to the cries of widows, of orphans, of men, women, and children pleading for the poor privilege of selling their labor. I will not believe the slanderous story.

The banks are not preparing for resumption as they would if they believed the law was to be carried into effect. To prepare for resumption would be to accumulate specie, and contract their liabilities. We have their statements, and we know they are not accumulating specie. We have the Treasury statement, and we know that they are now increasing their circulation, and that for every one hundred dollars' increase of that circulation, of the superstructure, \$80 is taken from the foundation, from the money in which these notes are to be redeemed. Sir, the national banks have failed once without being called upon to pay specie. In September, 1873, they could not pay their notes in greenbacks; they would not pay depositors in their own notes because those notes called for greenbacks, of which they lacked a supply. Having suspended payment of their notes, they gave

their depositors certificates that they had money on deposit with them, and these certificates were hawked and sold at various rates of discount. And I tell gentlemen that when the 1st of January, 1879, comes, if the superstructure continues to expand and the foundation to contract, instead of resumption we will have the suspension by those banks of payment in greenbacks from one end of the country to the other. There are natural laws which regulate the relative volume of redeemable paper to that of the money with which it may be redeemed, and of which we learn something from what occurred in 1857 and in nine periods in the interval between 1816 and 1857. This may all be very disloyal to the honor of my country; but, sir, I claim to have as clear a sense of that honor as any man, though he own a whole bank.

Mr. Speaker, the Bank of England's loan shrunk from £130,000,000 to £87,000,000, the country bankers' from £101,000,000 to £42,000,000, making a total withdrawal of discount of £232,000,000. The bank also reduced its private securities from £32,000,000 in 1819, the year of the passage of the act, to something more than £12,000,000 in 1821. Wages fell; the value of land fell; all values, save those of money and of government securities, fell, and, of course, as other values fell, those of money and government securities appreciated; and then, as had been foreseen by Sir Robert Peel, who opposed the act which had been introduced by his son, Mr. Robert Peel, the plutocracy, which now owns England and most of her people, was organized. Rich men's money was so enhanced in value or purchasing power, and the property of men of enterprise, and the only property of the laborer's skill and the will to labor, was so depreciated—that the landed property of England has passed from the hands of one hundred and sixty-five thousand holders, into the hands of about thirty thousand.

Are the same results occurring in this country, or likely to occur? Yes, sir; they are conse-

quences as inevitable as the rising of the sun in the morning, or its going down in the evening. There is an inflexible law regulating the relation between prices, and the volume of money in circulation. It may have been unwise to use that "great enemy of the nation, the greenback," and thus increase the volume of money, and enhance prices; but I remind gentlemen, who say that the greenback is an enemy to the country, that they decry their country's saviour.

When I had the pleasure of addressing a few audiences in the State of Georgia, where I was kindly received, especially at Macon, I spoke on the question of money, and said to the Confederate officers and soldiers around me, "Your leaders were mistaken in their financial theories, when they told you that a handkerchief would wipe up all the blood that would be shed; they were strict constructionists of the Constitution; they believed that the United States could use nothing but gold and silver as money, and that as they had none of these metals, they could not put armies in the field to overwhelm you, or fleets upon the ocean to blockade your coasts; they had not studied the Constitution, to see that the government has control of the question of what shall be money. We discovered that it had, and when we could not get gold or silver we made the greenback, and it was that that whipped you."

"Yes," said one of them, enthusiastically, "Judge Kelley, you are right; it was the greenback that whipped us." And that which saved us from being citizens of warring sections; that which has brought us together again to wrangle, as of old, over minor questions; that which removed slavery, and opened the way to conciliation, and the interchanges of duty and affection between the entire people, must not be branded as "the worst enemy the country ever had except slavery," without at least a passing protest from me as one who loves the Union, the whole Union, and believes it now to be indivisible, indestructible, and destined to endure through all

time. It was the "rag baby" that saved this Union; that enabled you, Mr. Speaker [Mr. Rice of Ohio, in the chair], to go forth at the head of your column to lay one of your limbs upon a distant field. Gold, the coward, had fled the country. The "rag baby" stepped forward and gave you and your men arms, ammunition, food, medical care, and transportation. It watched over you in the hospital, and brought back the manly spirit in the mutilated patriot's form.

Now, sir, when peace has returned, that which served us so well in war, is not deserving of the contempt that is being heaped upon it while the people by millions cry from their cold hearth-sides, from their hungry homes, for the privilege of toiling, and ask us to maintain a familiar medium of exchange, whereby capital and enterprise may pay labor for its work. Why shall we not heed their prayer? The nation's credit will not suffer. That which gave us a credit of twenty-seven hundred millions of dollars is certainly enough to sustain the two thousand millions we yet owe. You had no gold or silver when your bonds were first bought by foreigners; they knew that they took the bonds payable in lawful money, the interest only being payable in coin of gold or silver; and who will say that, when they did this, while we had a war upon our hands, with the destiny of the nation uncertain, knowing that the government only pledged the payment of its bonds in lawful money with the interest in coin, will they not trust us now, if we will only put our new machinery at work?

I have heard gentlemen say: "They who have rashly speculated, ought to be wiped out, and the currency ought to be made more valuable." Sir, the owners of these seventy-five homes have not been rash speculators. They characterize my native city which I have had the honor so long to represent here. They are working people; they train their children mainly to mechanical pursuits. They had, with their

sons and daughters, learned how much they could earn a month, and how much, after living comfortably, they could set apart as savings. These savings they put into stock in building associations. And I say here, as I have often said elsewhere, that the building association is, in normal times, the best savings-institution I have ever known, and one calculated to make the best citizens of poor people. These working people have gone on paying, until all the family lost employment, or all but one or two, whose earnings were necessary to support the household. Unable to pay their monthly installments, their homes, often paid for within two hundred or three hundred dollars, sometimes within \$100, are being disposed of to the "wrecker," to quote from the gentleman from Georgia who spoke yesterday [Mr. Felton;] the wrecker who stands by and sees the ship stranded, and her crew struggling in the surging waters, in the hope that the cargo may be picked up and purchased by him for a merely nominal price.

Philadelphia does not suffer alone. Turn to the city of Boston and State of Massachusetts. How are values shrinking there? The assessed value of the real estate of the thrifty city of Boston shrank \$54,000,000 in the last year, and the assessed value of the personal property of her citizens to a greater extent. The assessed value of real and personal property in Massachusetts, conservative Massachusetts, Massachusetts, that owns here and there a mortgage on a Western farm that is paying 8 or 10 per cent. interest—the assessed value of personal and real estate in Massachusetts shrank last year more than \$101,000,000.

But, gentlemen, the worst has not yet come, if this act is to be maintained. And I tell you—and you may book it to jeer and scoff at me fifteen months hence, if it prove not to be a true prediction—the suffering we have endured during the three years this law has been in existence is like the chill which embellishes while

it blasts with feathered frost the leaves and flowers of the tropical plants that surround the homes of our extreme Southern States, compared with the Arctic cold that builds up the mountainous iceberg which chills the summer atmosphere of our coast as it passes near our shores.

They got along reasonably well in England for three years. It was in the fourth year when the banks must resume, must contract loans, must have gold with which to redeem their notes, that there came the pressure, and properties, three, four, six of them, were sold to pay the small mortgage or judgment balance, existing against the last acquired estate. Petitioners poured into Parliament, praying it to give them equitable relief; but it had no power to relieve. But, I hear a banker say, that is not to be so now and here. Sir, have we not felt the pressure for money in other years than 1873, when the demand for greenbacks broke the banks?

The greenback, which then proved so great a restraint upon the cupidity of bankers, is to be retired. I know that Secretary Sherman says that in his opinion three hundred millions of greenbacks need not be retired, but can be re-issued after their receipt by the Treasury. I have high respect for Secretary Sherman and his opinions; but I am unwilling to put the value of every piece of land in the country, and of every day's labor at risk on his opinion. I remember that he has changed his opinions. I remember that he portrayed, more eloquently than I have ever been able to do, the wrong, the outrage, Congress would perpetrate, if it attempted to force the resumption of specie payments; that he said it would add 25 per cent. to every debt, mortgage, or otherwise. He saw clearly how dishonest the purpose was. Yet ultimately—honestly enough, but having meanwhile had new light—he changed his opinion, and thought it would be a capital thing to force resumption. He still holds to that opinion, and says that it can be done on the appointed day.

Although every other writer in the North American Review differs from him on this point, he says it can be done, and should be.

Again, in 1868 he saw the importance, the justice, the right, the duty, of making our bonds interconvertible with greenbacks, and greenbacks interconvertible with bonds. As chairman of the Finance Committee of the Senate, he argued elaborately (and took time to revise his argument) in favor of the convertible and interconvertible bond system, so ingeniously stigmatized by my friend from Rhode Island [Mr. Ballou.] Secretary Sherman, speaking for himself and the Finance Committee of the Senate, then said:

"Now that the war is over, that the whole process of funding is intended to be voluntary at the discretion of the noteholder, we ought promptly to restore this right, to allow the note to be converted at any time into some kind of bond; and we propose, also, to allow the bond to be converted into notes, keeping within the limits of notes fixed by law. Then, there is no discrimination; the bondholder and the noteholder are both public creditors—both depend upon the public faith. The noteholder may go to the Treasury of the United States, and demand his bond; the bondholder may go also, and demand his note. They are put on a basis of equality. This destroys all speculation in government securities. Both will then stand on the same footing, and both will be of equal value. The noteholder may, at his option, draw interest in gold, by converting it into bonds; and the popular cry of demagogues, that we have provided gold for the bondholder and notes for the people, will be silent."

He now, however, characterizes the opinions he then entertained as a mild form of lunacy. I am afraid that if we trust to his opinions, when we shall have permitted the 1st of January, 1879, to come around and find our tails in the trap, he may undergo another marvelous conversion and think that the \$300,000,000 of greenbacks must be retired, and cannot be re-issued.

I prefer to let the rights of the American people stand on statutes, and not on the opinion of any Secretary of the Treasury or other officer. To that end let us wipe out this ruinous statute. Let men know that they may invest capital with some hope of profit. This act stands there, and has stood from the day of its passage, a menace to confidence, the steady destroyer of credit. Its adoption was notice to all capitalists that the

volume of money was to be contracted, that the banks ought steadily to hoard specie for resumption, and that rather than do that they would probably surrender their circulation; that in either event prices must fall, and therefore the best use for money was to bury it either in their cellars, or in the vaults of a bank.

Is it any wonder that the venerable gentleman from New York [Mr. Townsend] could say yesterday that there never had been so much money to lend? There is no safe use for money when prudent men see that that which they produce must be sold on a falling market for less than cost. But, let me ask, upon what can you borrow the money which is so abundant? On gold—the thing that is steadily appreciating at the cost of all industry and all enterprise—on gold or gold-bearing bonds. Can you borrow on Pennsylvania or Reading Railroad stock? Can you borrow on Delaware and Lackawanna, or New Jersey Central, or any other railroad stock? Can you borrow on farms, factories, forges, or furnaces? No. Why? Because under this act their value must continue to shrink, and the market for them at any price continue to decline.

I have heard from creditable authority that there are moneyed institutions in New York which are not only foregoing interest due on mortgages, but paying the taxes on the mortgaged property rather than take it in at its depreciated value. I know of instances of that kind in Philadelphia. I know mortgagors who are begging the mortgagee to take the mortgaged property with what has been paid on it in installments, and leave them free from the resulting judgment, which would blast the hopes of their future lives. Repeal the act which is producing these terrible results. Permit confidence to revive. Allow the millions of working men and women who are living in despair to go to work upon our raw materials, and supply each other's wants, while the merchant, who makes the exchanges between them, shall levy toll for profit

as he did before this madness seized upon us. Imitate the example of France. No nation, no individual, ever freed itself from debt by idleness. Set the miners of Pennsylvania and the other coal-producing States to work in producing power. Let the coal they mine quicken machinery so that one man or woman may produce what one hundred or seven hundred or a thousand used to produce in the olden days. Let them, with the wages they thus earn, pay their debts, and replenish the Treasury by consuming dutiable and taxable commodities.

The internal revenue falls off. Is that the way to provide means for paying the public debt? In the normal condition of the country the internal revenues increase at the rate of 5 per cent. per annum. They were more than \$118,000,000 last year; consequently there should have been this year an increase of \$6,000,000. How does the account stand? Four months and a half are gone, and the internal revenues thus far in the present year, instead of being nearly \$3,000,000 in excess of the receipts for the same part of last year, are three-quarters of a million dollars in deficiency. Why? Because labor is idle; consumption has been contracted by the poverty of the people; capital finds no use except in advances upon gold or gold-bearing bonds, where some exceptional individual thinks he sees the hope of making profit, or in buying property at sheriff's sale.

Whether the resumption of specie payment would be a good thing or not, I do not stop to discuss, and I express no opinion here upon the subject. When my opinion on that question shall be pertinent, I will give it. But, assuming that specie payment is the most desirable thing in the world, other questions arise. How shall resumption be effected? When shall it be effected? We have gone at it bull-headed and determined to do it whether we can or not, and have thus effectually disabled ourselves, deprived ourselves of power, impoverished our people, diminished the revenues of the govern-

ment, and put ourselves in a position that, though the country deserved the glowing eulogy bestowed upon it by my friend from Iowa [Mr. Price], although the crops have been unprecedented as described by the gentleman from New York [Mr. Townsend] yesterday, although the year, thanks to beneficent Providence, has been not only blessed in its crops but in its seasons, and has scarcely brought a wintry day in this region, yet millions of our people in the midst of the abounding crops are homeless and hungry. With the largest crop of cotton ever produced, they are naked, or in rags. Proud three years ago of their homes, in my city, of which I have often boasted, they now—crouching as too many of them are, two or more families in a little house—thank God that December approaches, and out-door relief can be administered to American citizens by the guardians of the poor, and that they may therefore live through the winter without registering themselves, their wives, and children, as paupers, by becoming inmates of an almshouse.

Had France attempted the terrible experiment we have tried, revolution after revolution would have followed in quick succession, until the example set by her great statesmen of the past had been accepted and followed, and until the bank had issued notes enough to enable employers to pay wages. The government of France dare not bring her laboring people to the condition the American Congress has brought ours. Read the story of French recuperation after the continental revolutions of 1848, and again of the manner in which she paid the most unconscionable war fine ever imposed upon a nation, and which, but for the wise management of her industry and finance, would have bankrupted her irretrievably.

Here are examples worthy of the careful study of all American statesmen. They are living illustrations of potent economic laws, and not books written by *petits-maitres* who fill professorial chairs in colleges, and who, having read Adam

Smith, Ricardo, or Malthus, begin at once, like an apothecary, to compound specifics for sick nations, by putting in a little from each bottle, and giving the mixture the name of a science. Take the life-story of nations. Study the details of the history of like eras. Grasp the subject. Remember that Mr. McCulloch, whose lead you are following, has proven that he does not know that a promise to pay made by a private corporation or by any power other than by a government which has the right and power to declare that such promise shall be legal tender, is not money.

Money may be of one kind or another, but a nation must have money; that which will liquidate private credit, that which the creditor must receive in full payment from the debtor.

But, to conclude, the national banks are making no preparation for resumption. I may be pointed to some small measure of contraction that took place months ago. I may be told that the lines of discount of the New York banks are some fifteen millions less than they were a year ago, and that deposits are ten or fifteen millions less. But we are to deal with more than five thousand millions of dollars of debt. We are to provide a reservoir of gold from which every old woman in the country who has the anti-war stocking which used to hold eagles, can fill her stocking again. We are to provide a fund from which every hoarder, from the Atlantic to the Pacific, and from the northern lakes to the Gulf, may draw gold for hoarding. We are, as I said before, to say to every European creditor, "We take the risk of your markets, we take the risk of all your possible necessities for gold;" we will resume specie payments, and maintain them against the world, because we have accumulated in this season of commercial inactivity about fifty millions of gold, with which to maintain them. Let us not assume a position from which we will be driven ignominiously by the force of events in the gaze of deriding nations; let us not make ourselves ridiculous before the world



SAMUEL S. COX.

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## SAMUEL S. COX.

**S**AMUEL SULLIVAN COX was born at Zanesville, Ohio, September 30, 1824. He received a thorough collegiate education, attending the Ohio University, at Athens, for awhile, and afterward Brown University, Providence, from which he graduated with the class of 1846. He turned his attention to the study of law, was admitted to the bar, and began to practice in Ohio, but does not seem to have been very strongly attached to the profession. In 1853 he tried editorial life, and was for two years editor and proprietor of the "Columbus Statesman," a paper published in Columbus, Ohio. In 1855 he accepted the appointment of Secretary of Legation to Peru, and in 1856 he was elected to represent the Columbus district in Congress. Taking his seat in 1857, he served his district for the next eight years. Immediately after the close of his fourth term, on March 4, 1865, he removed to New York City, and four years later entered Congress as the representative of the sixth New York district. He has been in the House ever since, with the exception of

a short time in the Forty-third Congress. In 1872 he was the candidate of the Democrats and Liberal Republicans of New York for Representative at Large, but was defeated by Lyman Tremain. Mr. Cox was only out of Congress for a short time, as he was elected to fill the vacancy occasioned by the death of James Brooks.

On June 7, 1876, he was appointed Speaker *pro tem* of the House, and on the 19th of the same month he was elected to fill that honorable position, and held it for five days, until the 24th of the same month.

In 1864 he was a delegate to the Chicago Democratic National Convention, which nominated General McClellan for the Presidency, and declared against the continuation of the war. In 1868 he was again a member of the national convention of the same party, which was held in New York City, and nominated Horatio Seymour for the Presidency, and declared that the Southern States should at once be received back into the Union.

Mr. Cox has taken a prominent part in the discussion of the questions which

have agitated the country during the past quarter of a century. For a time he was chairman of the important committee on Banks and Currency.

He is an able debater, and an eloquent and humorous speaker. He has been a constant contributor to the press and

periodicals, and, besides the earlier work published in 1852, he has published "Eight Years in Congress," "Search for Winter Sunbeams," and "Why We Laugh," besides a great number of speeches, which have been widely read, and as widely admired.



### THE PARIS EXPOSITION.

*Mr. Cox's humorous speech, delivered in the House of Representatives, Nov. 19, 1877.*

MR. CHAIRMAN: It is with regret that I oppose the aggrandizement of our country by a foreign exhibition of its products. If that statement involved the true question before us, presented in the bill of the Foreign Affairs Committee, my regret would lead to silence. The fallacy of measures like this consists in assuming that everything which seems to be for the welfare and glory of the country is truly so, and that every beneficent law in seeming is authorized by our Constitution.

The district which I represent is composed almost entirely of artisans and laborers. If this measure were constitutional and helpful to labor, nothing would give me more pleasure than to contribute to its relief in the distress which everywhere prevails. But it by no means follows, because this bill is urged in the interest of those who live on the product of labor, that it will assist those who produce.

It is an old sophism to profess to do good in order to do ill. The maxim which attributes many crimes in Liberty's name is a household truism, with a terrible history. When Napoleon III. distributed the prizes at the great French exhibition in 1867, how eloquently he spoke of his lively solicitude for the interests of

the working man! Not long after that he crucified France. When a protectionist member was laboring here in 1870 for a high bounty for his own patented Bessemer steel, he closed his touching appeal, not for himself, oh, no! but for the working man! In vain do we wait for any movement here to relieve labor at home, to secure its just reward and elevate its condition. In vain do we look for any movement to harmonize it with capital, that prosperity to both may come! Such measures as this are not moved by the masses. They come from the gilded apex, not the broad base of the common weal. No doubt this exhibition will be, as others have been, gorgeous in display. Aurelian fettered his captive Zenobia with gold, and the slave held up the golden fetter. He loaded the object to adorn his triumph, as we encumber our labor by such taxes as these that we may shine afar!

No doubt the gentlemen who are foremost in asking these contributions for the display of their products, are men entirely disinterested and patriotic. If their hands are not, the hands which work for them are callous with toil. Indeed, a showing of hands in this Congress would be an instructive illustration of the enormous

working ability of its members in earning an honest livelihood!

This bill has been justified as similar bills have been justified, and especially the Centennial bill, on the ground that the country is in the condition of a man who has just turned the crisis of a violent fever, exhausted by long sickness and low diet. It was urged in that centennial debate (Record, Forty-fourth Congress, first session, page 484) "that the system must be built up anew, and it must begin with stimulants." The necessity of stimulants to build up an exhausted constitution, whether it be Federal or personal, might well be referred to a sanitary commission consisting of doctors learned in the law and in medicine. They would find that stimulants are dangerous remedies.

Before, however, discussing the authority to levy large taxes as a stimulus, would it not be well to examine, first, what is the kind of stimulation, and who are its subjects and ministers.

The bill as originally propounded by the President in his message, and by the Secretary of State, seems to intend something more than the benefit of American industries. This bill proposes to stimulate their sinking condition, and contribute to their advancement at home and abroad. It might truly be entitled "An act to levy taxes to allow our gentry to visit Paris, advertise goods, and erect a corn-kitchen."

The bill as originally contributed by the Secretary of State, proposed to pay out of the Treasury \$225,000 to defray expenses of commissioners, experts, scientists, artisans, civil agencies, traveling agents, and transportation across the country and ocean, as well as landing, protecting, and reshipping of goods. To this were added expenses of reporters and reports, some \$12,000; and after exhausting all possible methods of extracting money from the Treasury for this purpose so foreign to our shores and our Constitution, a needless appropriation of \$13,000 for "contingencies" was thrust in to round the whole sum of \$225,000.

Our committee were not disposed to accept all these extravagant and indefinite items. They have introduced a bill of their own, only a little less extravagant, and in almost every regard as thoroughly indefensible. The majority report asks for \$150,000 for the purposes indicated by the Secretary of State; and, sad to say, they struck out, against my vote, the Indian corn proposition of my intelligent and honorable colleague [Mr. Hewitt]. I have endeavored, by an amendment and a smaller sum, to rescue the agricultural interests from this neglect of the committee.

The minority of the committee, which reported this bill, while not agreeing to its constitutionality, see no objection to furnishing government vessels for transportation to and from France, free of charge, of articles for exhibition; nor do they undertake to say that any discourtesy should be allowed in not fully recognizing the invitation of France; but, in carrying out the provisions of the joint resolution, they prefer that no tax should be levied for so doubtful a purpose. If other gentlemen, however, can find it to be constitutional to vote appropriations for these objects, I offer an amendment for funds adequate to secure official recognition, to be placed with the Secretary of State, and another and separate fund for the Commissioner of Agriculture, to be used at his discretion. More than that would be wasteful excess.

I proceed to the consideration of the objects—the real and not the simulated objects of the bill. This exposition of Paris, like others, including our Centennial, savors of the shop, and displays like a show. There is not a particle of patriotism in it; indeed, the old word, patriotism, has almost lost its meaning. We have many persons ready to *live* for and on their country, but it is hard to find within the broad domain of this heaven-blessed land one who would *die* for it. To extract money deftly from the Treasury, in our new lexicon, that is real patriotism.

There was a young lady in a New England town to whom a fortune was bequeathed. She had a missionary spirit, and called the deacons of her church around her to know where she ought to go to bestow her grace and means in saving sinners. The good deacons spoke of Timbuctoo and India; but, said she, "Is not Paris, too, a very bad place?" They said it was; full of fashion, frivolity, and wickedness. She said she thought she would try Paris first. The promoters of this bill are equally good. They would save Paris from its sins by sewing-machines, pianos, sulky-plows, and Indian corn. They would sacrifice much of time and labor to reclaim the ignorant and bad; only they want our poor people to pay for the pious pilgrimage by an appropriation.

I was in hopes that the persiflage which is always called in to glorify such appropriations had evaporated with the centennial year and exhibition. Do we not recall how members apostrophized George Washington; pictured on one side of you, Mr. Speaker, and La Fayette on the other? We have had the same sublimity of speech on this measure; but one tires of a perpetual diet so highly seasoned. This kind of rhetoric, Mr. Speaker, would be interesting and harmless if it did not tend to empty the Treasury, and add fresh burdens to an already overburdened people.

Such grandiose expressions have not infrequently been used in other countries to fill the swelling exchequers of selfish and mercenary men. Even the English exhibitions of 1851 and 1862, which had no appropriation, were heralded by a chorus of superb harmonies whose powerful tones seemed to ring out in stupendous unison like the sixty-five hundred voices which I heard in the Crystal Palace of that year:

All people that on earth do dwell,  
Sing to the Lord with cheerful voice;

while "amens" and "hallelujahs" were to usher in the reign of "peace and good will to

men." Conquest and carnage were to be abjured forever. Alas! for the bloody sequel.

The main business of that exhibition, so far as America was concerned, was limited to our frightful edifice of India rubber, which typified the elasticity of our national conscience and development; to our thousands of daguerreotypes to show the remarkable men and vanity of our country; to two of our Iowa Indians, who stood in profound sorrow, betraying their nostalgia, trophies of our conquering and implacable civilization, and to the beautiful Greek Slave, the occasion of satire and irony upon our beloved institutions!

The most that the Paris exhibition did for America was the introduction of American drinks. There was a perpetual disease in and around it called the "Exhibition thirst," which was well described by George Augustus Sala as "leading to wandering in spirits and in mind." If you asked any question of the stranger about Paris, he dilated upon the "noggs," "cobblers," "smashes," "cocktails," "eye-openers," "moustache-twisters," and "corpse-revivers," of the American restaurant. [Laughter]. Stewed oysters, terrapins, soft-shell crabs, canvas-back ducks, and prairie hens were introduced under the Stars and Stripes, to the attention, admiration, amazement, and stomachs of the French population for the first time. Nor are the provisions of the original bill for a corn diet any novelty in France, for green corn and succotash were as common then as cobblers and cocktails. [Laughter].

Under some clause of our Constitution for the general welfare and happiness of mankind our appropriation for this exhibition is justified. Such exhibitions not only fail to give dignity and grandeur to our character as a nation, but utterly fail to contribute to the common defense and general welfare. They fail to usher in that intelligence, courage, and unassuming glory which should illustrate the first republic of the world.

Seriously, Mr. Chairman, it is about time that the pendulum swung from one extreme to the other in relation to constitutional construction and taxation. It is true that parties seem to be changing on vital rules of construction. What has not the last year brought forth? Let me use a fable to teach the lesson. It is said that there was a giant once who swallowed windmills without choking, but who was suffocated next day by a piece of fresh butter! [Laughter]. So with our Republican State rights friends. There was nothing too huge or crooked which they did not swallow under the war power, and for twelve years after the war; but when the votes of States falsely personated came to us in a Federal way, their hatred of State rights vanished. They swallowed State rights as if they had the lubricity of butter. The recent elections looked as if they suffered, if they were not suffocated, by the act of deglutition.

It is well, when our opponents here are carrying reserved rights to such extremes, for us to consider how far we are swinging in the other direction. If this measure is to be justified in a Democratic House, where is the limit for any and all objects which hover like birds of prey about the Treasury?

Whatever good may be done our industries by such expositions, there are many distinguished in public life who are not ready to admit that there is any authority to tax for any such purpose. When we ask those who favor such schemes for any grant of power to sanction such appropriations, they spread into platitudes. In the Centennial debate one member justified the appropriation by saying that we had a right to show other nations that we exist, and therefore, an appropriation was justifiable.

Another member argued that, as it only cost three and a half cents apiece to our people, and as it was the boiled-down essence of all the Fourth of Julys for a hundred years, the appro-

priation was constitutional. Another member argued that, inasmuch as America was almost a *terra incognita* to Europe, by bringing Europe to us, we would enable its people to see our country for themselves; and therefore it was constitutional to appropriate a million and a half of dollars. Another argued that, as the retina of the soul would be painted by panoramas of Bunker Hill and of Yorktown, and of Washington buffeting with the waves of the icy Delaware, it was constitutional. [Laughter].

Aside from this irrelevant rhetoric I put a question as one belonging to the old school of strict constructionists, from which I have rarely deviated in a long service: *Where* is the power in Congress to grant such an appropriation? Point to a line which justifies it! Standing on the ancient ways, if we have failed before, let us now assert that it is greater to preserve our fundamental law from infraction than to spread over all the continents every division of our industry, commercial, mechanical, physical, economical, physical, or miscellaneous. As the greater includes the less; as the Creator is above the creature, is it not a greater incentive to other nations to behold our Republic preserve its integrity and its Constitution, its genius and polity, its many-in-one, its local distinct from its Federal power over affairs, than to display all our wealth or power in mere material success? What are all the arts, whether related to the alimentary, sanitary, domiciliary, locomotive, sensitive, intellectual, or social life, which make up these universal shows, compared with the elemental and undying principles which lift our Republic above the waves of time, and the tempests of revolution? Weave what warp and woof you may; delve for the mineral, however rich; construct your titanic machines, however grand, complicated, or refined; calculate your longitudes or discover new moons by mathematics and telescopes; put your girdle around the earth or under the sea, by chemistry; chisel the Greek Slave with Powers; excel Gerome or

Meissonnier or Rosa Bonheur upon the easel; display terra cottas more beautiful than those of Harze, bronzes better than Barbedienne's, or porcelain the peer of Sevres; tapestry and carpets rivaling the Gobelins or Aubesson; jewelry to outshine Christofle, of Paris, or Castellani, of Rome; make better mosaics than those of Salvati, or the enamels better than those of Le Pecq; reproduce here the ceramic and other lost arts which are now reviving throughout Europe; and you will yet find no compensation in these accomplishments, in the mimicry and mummery of the army of honorary nabobs, dandies, and bummers who cluster about a foreign exhibition. Much less, sir, will these achievements condone for any fracture in its smallest part of the greatest refinement of civil polity, which is illustrated in our political faith, order, and Constitution. [Applause.] Not for all the grandeur of mechanical science and skill should we barter this precious principle of construction applied to that instrument by all our best statesmen and courts, namely, that powers not granted by the Constitution cannot be exercised by Congress, and that no powers are granted except what are expressed as such, or are fairly inferable as requisite means to attain the end of a power itself granted.

Such appropriations as that now under discussion, have been sought to be justified by the first clause of the eighth section of the first article of the Constitution:

"Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts, and provide for the common defense and general welfare of the United States."

If, under this clause, the appropriation can be made, we are on an uncertain and limitless sea; any appropriation, for any purpose, is then possible. If this clause be applicable, it is a lie to say that our government is one of special and enumerated powers.

Is it said that by the words "general welfare," no appropriation can be made unless it is designed to effect that object? Who is to de-

termine what is the general welfare? Congress, then, at its discretion, may determine what is, or is not, for the general welfare. There is no limit to the power. You can take money for any purpose. By a like loose construction you may establish schools in Thibet, or extract sunbeams from cucumbers. Mr. Chairman, there is but one rule; it is inflexible. You can only provide for the general welfare by exercising the powers that are delegated to you in the Constitution. You cannot go outside of the express delegations of power, and roam at will, to find something that might promote that welfare.

It will not do to say that precedents have been made. Almost every provision of the Constitution has been downtrodden by bad administration or legislation. It is the crying sin of our time, that our lands and moneys have been squandered, that scoundrels and bankrupts might live in luxury. And even for a good purpose I should never sanction an erroneous construction of the Constitution, lest a precedent should creep in upon the State, for its dishonor and ruin.

The gentleman from Virginia [Mr. Tucker], who is both a lawyer and a publicist, in the Centennial discussion, divided this power to lay and collect taxes, etc., into three branches (Record, Forty-fourth Congress, first session, page 510:) First, as to laying and collecting; second, as to paying debts, and providing for the common defense and general welfare; and third, a qualification on the power in the first branch of the sentence.

Who ever believed that this power to levy and collect taxes, etc., interpreted as it has been by Mr. Madison in the forty-first number of *The Federalist*, amounted to an unlimited commission to exercise every power which may be alleged to be necessary for the common defense or general welfare? "No stronger proof," said he, "can be given of the distress under which these writers labor for objections, than their stooping to such a misconstruction. Error," he

said, in that interpretation, "would always receive its own condemnation."

Then let me inquire whether a bill of this kind comes within such a construction as I have indicated. Surely there has existed much doubt as to our authority to vote money for these shows. Austria invited us to Vienna, first on the 12th of July, 1870, and, finding us reluctant, again on the 22d of September, 1871. Congress took no action until June 10, 1872, and then authorized the President to appoint our agents; but provided: "That such appointments shall not impose on this government any liability for the expense which they may occasion." This was all, until February 14, 1873, when \$200,000 were passed through Congress. Of this, nearly all was spent; how, will appear hereafter. But first, cautious action is to be noted. We had not then entered so largely on speculation by act of Congress.

Again: In the case of the Centennial appropriation, at its inception, in 1872, its promoters were so doubtful of the power of appropriation, that they simply asked for, and obtained an act of Congress creating a commission to prepare plans and buildings, providing that the United States should not be liable for any expense attending such exhibitions, or by reason of the same. If this was the cautious action at first, as to the Centennial, what can we say of the audacity of those who would unconstitutionally create a mercenary expedition to Paris, to exhibit their goods, wares, and merchandise, for their own greed and gain? Who contends seriously that for the purpose of transporting samples, and advertising them in Paris, an army of officers, such as this measure proposes, was ever contemplated by the men who framed our organic law? If the fathers of the Republic were jealous of entangling alliances abroad, and made your country respected and great through independence of Europe, where is the authority to impress upon the effete dynasties of the Old World, or their republican copyists in France,

our toys, and drinks, and boot-jacks, and turnips, and all the variety of our mineral, agricultural, and manufacturing products? Were not these matters to be left to economic laws? Where is the clause of the Constitution to levy and collect taxes, that our rich manufacturers may display their gin and buttons, their gutta-percha and glue, their iron machines and agricultural implements before the world?

First. If such appropriations were constitutional, how would it aid our artisans or manufacturers, by showing foreigners how to copy our inventions, improve upon our skill, or only to make an outlet and market for our products, which must, of course, be temporary, if it is intended to teach other nations our tricks of trade, and our genius for improvement? There are many manufacturers who understand what is meant by this comment on our display. It helps a temporary market, only to ruin it permanently.

Second. Suppose that such exhibitions do enlarge our markets, as contended for by the eloquent member from Wisconsin [Mr. Williams], and constitute an incentive to other nations to improve upon their machinery and productions, cannot the same object be accomplished without a violation of the Constitution, or without an appropriation by Congress? Does it require a torture of the one, or an act of the other, to inspire the maker of soft textures of wool, or fine linen, or glossy silk? Do we need the stimulus of an exposition to bring our meat-stuffs, bread-stuffs, eggs, butter, cattle, horses, and mules, into a foreign market? Did the Centennial make our grain crops? Already we are growing in our export trade by the hundred millions, through refrigerators and steam, quick transit and smart agencies. Appropriations did not inspire Jacquard's dream, out of which came his wonderful loom. Did the Corliss engine, mighty as a Titan to rend the oak, result from the Centennial, or antedate it? Was it a government appropriation which gave Whitney's cotton-gin to the South, with its three

hundred millions saved per annum? Did the exhibition of 1851 cause McCormick's reaper, or only show it off? Suppose that the exhibition should incite to the discovery of new elements of industry for the amelioration of mankind, does it follow that a government appropriation is necessary for that purpose? Did Congress start the sewing machine, or the Gatling gun, or the steamship, or Bessemer steel? If the truth were told, these matters came, in spite of Congress. We have American hardware stores in Germany, and our cottons now go to South America, but it is in spite of Federal law. Does Steinway or Weber want an act of Congress to send their pianos to a market, or Wheeler & Wilson their sewing machines to Japan, or Herring his safes to Europe? They are there already. Point to a single page of the statutes where a dollar has been authorized to be expended, except indirectly, by tariffs, except to hurt, and not help, traffic and labor.

Was it because Franklin was a member of the constitutional convention that he discovered new uses for the electric phenomena which then attracted the attention of the scientific world, or was it because he was a volunteer without aid, enlisting in the army of science? He was a simple member of a literary society in Philadelphia. Having his attention called to a recent discovery, the phenomena of the Leyden jar, from that moment he put the question, *cui bono?* He wrote to the Royal Society of London his first disappointment in failing to find any practical application of the science. He wrote:

"Chagrined a little that we have hitherto been able to produce nothing in the way of use to mankind, and the hot weather coming on, when electrical experiments are not so agreeable, it is proposed to put an end to them for the season, somewhat humorously, in a party of pleasure, on the banks of the Schuylkill. Spirits, at the same time, are to be fired by a spark sent from side to side through the river, without any other conductor than the water, an experiment which we some time since performed to the amazement of many. A turkey is to be killed for dinner by the electrical shock, and roasted by the electrical jack before a fire kindled by the electrical bottle, when the health of all the famous electricians in England, Holland, France, and Germany are to be drank in electrified

bumpers, under the discharge of guns from the electrical battery."

True, afterward he invented lightning-rods, with pointed conductors, to save houses and ships, and what not; but at first so averse were the laughing philosophers of the Royal Society to Franklin's "points," that they actually caused *blunt* conductors to be placed upon the British palace! But did Franklin ask for an appropriation?

Was the safety-lamp, or the locomotive, or the wonderful art and mechanism displayed in printing-machines and calico-printing, in hydraulic machinery, the construction of bridges, Whitworth's micrometer, turning, planing, boring and cutting machines, or his wondrous lathe, the result of English or French exhibitions? True, they were exhibited there, and their exhibition may have been the cause of other and better inventions; but I deny that the English exhibition of 1851 became instrumental through government aid, for such purposes.

There was not a shilling appropriated by Great Britain for that exhibition, or its London and Dublin successors, although Parliament is not restrained as we are by any question of constitutional want of power. The success of that exhibition was due to the action of the liberal-minded Prince Albert, who offered himself to the public as their leader. It was long discussed whether it should be limited to British industry; for there was an isolation about the British mind then that led to a prejudice against foreign productions of machinery, science, and taste. It was doubted then by many, as it has been doubted much in this country, by a class of economists, whether such productions, which are of no country, but belong to the world, would be of particular advantage to British industry by being placed in competition.

The great exhibition of 1851 was the beginning of a new era of British prosperity, because it opened a thousand shut avenues of trade. Paxton's fairy palace, itself a greater wonder



than of all within it, was exhibited by England as a spectacle of the world's progress, and as a token of future English supremacy,

"When its blazing arch of glass  
Leaped like a fountain from the grass  
To meet the sun."

The exhibition of 1851 was the first of the international kind. Before that time the various nations of Europe and of Asia had their fairs and shows. They date from the earliest eras. The Greeks and Romans had them. The German term "massen," from mass, meant a fair. In France they are thirteen hundred years old. Alfred the Great brought them to Great Britain. Hundreds of thousands have attended the French fairs. Mecca has had them, and the Ganges has seen its thousands of trades thus gathered. I have seen them in remote parts of Northern Africa, where men—nomads of the plain, and traders of the city—came together to buy and sell, barter and learn. The greatest of all these is in Asia on the borders of China, at Niznhi Novogorod, where thousands semi-yearly congregate. But 1851 gave a new impetus to these undertakings, running not through days and weeks, but whole seasons. Since 1851 there have been not less than twenty universal exhibitions, including our own Centennial, besides the great fairs of London, Paris, and Vienna. Munich, Florence, New York, Amsterdam, Dublin, Cork, Cologne, Lyons, Oporto, Stettin, and even New Zealand and Japan, have had their grand symposia of industry. If we are to begin appropriations for such universal objects, where are we to draw the line, and where will they end?

I remember well, when twenty-five years younger, visiting that more than Aladdin palace in Hyde Park. That mighty building yet rises among my earliest and most attractive reminiscences. Day after day I wandered along its aisles, wondering at the mystery of the maker and the genius of the inventor, astounded at the power which combined the atoms of earth,

water, and air, and harnessed the forces of nature, as the outward symbol of the everlasting brain of aggressive man. But it had no appropriation! What Professor Sewell wrote of the divine Plato, likening his ethics to a splendid Gothic monster, I felt, as I wandered into these mazes, far sinking into splendors:

"We may stand among his venerable works as in a vast and consecrated fabric, vistas and aisles of thought opening on every side; high thoughts, that raise the mind to heaven; pillars and niches and cells within cells, mixing in seeming confusion, and a veil of tracery and foliage and grotesque imagery thrown over all, but all rich with a light streaming through dim religious forms; all leading up to God; all blest with an effluence from Him, though an effluence dimmed and half lost in the contaminated reason of man."

Yet, Mr. Chairman, there was no appropriation for that grand exhibition! What manifestations of beauty and of art from all lands rise upon my vision as I recall that palace of industry! Ancient and modern times alike contributed to adorn and glorify this palace, and yet there was no appropriation. From China to Peru, from the mines of Norway and of Mexico, from the fabricators of India, from the gorgeous East, with its barbaric purple and gold interwoven in its textures, to the rude hut and spear of the American Indians and African Caffirs, there was one grand picture of human industry, to illustrate the maxim of the son of Sirach, of ancient Jewish time:

"The principal things for the whole use of man's life are water, fire, iron, and salt, flour of wheat, honey, milk, and the blood of grape, oil, clothing."

All for the delectations and utility of our kind. This rare exhibition and forerunner of so many others, not only did not depend upon government largesses for its success, but refused them as a means for its consummation. From that time England increased her colonial and foreign trades. Her exports up to the time of her next great exhibition in 1862 more than doubled. Her colonies emerged out of discontent and difficulty; and while the great streams of her empire were bridged by triumphant mechanism, all parts of her dependencies were imbound in a

common British glory. Yet not one shilling from the government aided in this work.

When the great exhibition of 1851 in England was projected, who leaped forward to contribute funds voluntarily? A hundred thousand dollars were at once subscribed, for medals and awards; three hundred thousand then followed for other purposes. Messrs. Munday, great contractors, proposed to undertake the construction of the building at their own risk. Their offer was declined because they were contractors. One individual, Mr. Peto, who then bore the same relation to England and her railroads that certain men now sustain to ours, subscribed \$250,000; and a banker, Mr. Lloyd, followed; and the financial notabilities who answer to our Coopers, Seligmans, Belmonts, and other rich men, gave individual guarantees amounting to \$100,000, upon which the Bank of England offered to make advances. Five thousand people registered themselves as promoters; nearly ten millions' worth of articles were shown; six million people visited it, and a balance of £213,305 15s. 8d., or nearly \$1,000,000,000, resulted as net profit. It was not necessary, as it is not now necessary, that government should give bounties to have the concurrence of other governments for such objects.

The exhibition of 1851 succeeded because of the courage of the thought that international rivalry could be accomplished without government aid.

It was repealed in 1862 by private enterprise. The advantages of such enterprise to England between 1851 and 1862 need not be commented on. It encouraged free trade; it repealed the duties on soap and paper, the only manufactures then which had been thwarted by excise restrictions. It increased the facilities by post, and abolished taxes on knowledge. It led to the repeal of duties on raw materials. It gave strength to English production in all its branches, and yet not a government penny for appropriation! Is it possible that we cannot carry our flag abroad

without the suggestion of lucre and the meanness of speculation?

And yet the capitalists of this country— 500,000,000 represented—come in the name of our pauper labor and ask additional taxes to be laid upon our working men for their own special greed and glory. If these capitalists desire so much to assist the laboring men and to do it by means which are themselves considered doubtful, why not adopt the bill of the gentleman from Pennsylvania [Mr. Wright], to take from the Treasury money enough to send the poor of our cities, packed in tenement-houses, and almost destitute of good food, shelter, and clothing, to the rich prairies of the West, or the teeming savannas of the South.

But, if gentlemen must spend money to glorify our science and art, let them go to our observatory and observe its dilapidated condition. Yet what a pride, legitimate and glorious, has it not become? It enables us to determine points within our own land, their latitudes and longitudes, boundaries and stations. Co-operative with the navy, it determines points abroad. It is the depot where the chronometers for the navy are kept and rated, and from which naval vessels are supplied with them on going into commission. It drops a time-ball at noon from its own dome and, through the agency of the telegraph wires, a ball at noon also in the city of New York, and gives the time to the wires for transmission through the United States. It has rendered essential aid to the American Ephemeris and Nautical Almanac by perfecting the tables indispensable to the navigator and the astronomer. Quotations from foreign scientific reviews could be adduced to prove that the work of the United States Observatory is highly appreciated abroad. The distinguished astronomer of Rome, Padre Secchi, places together in the first class the observatories of Polkova, Greenwich, and Washington. The search for new objects has never been made a part of the regular work of the observatory, because it has been felt that an in-

stitution supported at the expense of the nation should confine its energies to fields known to be remunerative. Still it has taken a place near the highest as a seat of discovery. The first discovery of a planet made on this side of the Atlantic was by Mr. Ferguson, in 1854, with the old telescope of the Observatory. Recently, the discovery of two satellites of Mars by Professor Hall must, by common consent of astronomers, rank as the greatest telescopic discovery since that of Neptune in 1846.

And this, our home institution, so handsomely glorified, is located so as to kill off its officials by malaria; and is as rickety and unsafe as if it had seen a century of decay. When we talk of arts and science, let our benefactions begin at home!

How unlike was this unsubsidized exhibition compared with our part in that of Vienna. I have endeavored to inform myself as to the material effects of the expositions at Paris and Vienna, of which we have elaborate reports—six volumes of the former, and four of the latter. Our Centennial reports, perhaps forty volumes, are not yet out. But I do not rely on the official reports from Vienna. They did not develop the unpleasant facts. I have in my hand a volume with pictorial illustrations, showing the beautiful grounds and the buildings which were erected at Vienna, and the classifications and divisions under which the invitation to our country was accepted. Our part in that exposition was simply disgraceful. Although \$200,000 were appropriated by Congress for our display at Vienna, decent Americans were ashamed of the untidy manner of it, and the grossness of its mismanagement. Our articles on exhibition, with few exceptions, were those that were common to our shops. The American exhibitors bore, unaided, the expense of putting their goods on exhibition. They paid for the care of them while there, as well as for the space occupied. They erected their own stands. There was no bureau for information, no plan for interpreting. Notwithstanding the large appropriation, we

borrowed of our British cousins the very carpenters and laborers to do the work. The best exhibitors placed their goods as best they could, assisted by private purses. The decorations furnished by our commission were meager and cheap. With a few hundred dollars the self-constituted exhibitors made the best show. There was not sufficient clerical force to conduct the business, and most of the reports are translations from those of other nations. Annoyance was the rule.

But, after all our appropriation, what was exhibited, even with its aid? Some sewing machines, inferior to the European; some cereals and other products; and a pork-packing association of Cincinnati, which ought to have been engaged in the slaughter of the American commissioners instead of the innocent preparation of foreign pork. We had a school exhibition which attracted attention; not superior, however, to those of other countries, because not a fair sample of our own. The exhibition of machinery was better, and not quite so disgraceful. In fact, we lost prestige, and seemed rather to be retrograding than advancing in the light of these illustrations. We had shoe machinery, fire-places, puddlers, shuttle-throwers, tire-setters, of which we had a right to be proud; but everything seemed to depend upon the exhibitor, and nothing was done by the commission from which to derive any benefit from the exhibition. The first chairman of the commission held his place to serve himself; but something was rescued from the universal disgrace by several gentlemen, and among them Mr. Schultz, of New York. They did not need high salaries to do it either. Out of the \$200,000 appropriated, scarcely fifty thousand of it were made serviceable.

Go with me to Vienna during this interesting season. While the soul-stirring strains of Strauss transport you into a German Valhalla, where Dreher's beer flows more abundantly than the music, our commissioners are jangling

like bells out of tune. While the throngs of happy Viennese wander under the glare of lamps in the Volksgarten, or drive in state along the Prater, our American exhibitors are making the air vocal with their bickerings and jealousy.

The petty wrangling, disputes, and confusion, incident to this disgraceful exhibition, were only relieved by two exceptions, and these *were maps*. The first, a map of North Carolina, with a collection of its products, cotton, rice, tobacco, grain, wine, and silk. The first expression of every American who chanced to see your map, sir [referring to Mr. Davis, of North Carolina], was, "I never knew before the character and value of that State." [Laughter.] What with dilating upon the special advantages of our Rip Van Winkle State, and its magnificent forests of pine; its "tar, pitch, and turpentine," the author from whom I quote says that map was a beautiful feature, by which the pupil "was not forced, but trapped, into learning its attractive merits."

He also calls attention to another map, which he says was most creditable to the people of this country, and of the greatest importance and interest to the whole world. "I speak," says he, "of the Northern Pacific Railroad, which showed a 'very large map of their projected railway, from the Pacific Ocean to Duluth!'" [Laughter.] I look about me for the gentleman from Kentucky [Mr. Knott] whose name is as immortal as Duluth. [Laughter.] The map was of a very fine order, with beautiful marginal photographic illustrations. It showed the topography, the profile of its elevations, its woods, etc. It was accompanied with statistical information, coupled with cereals and products of the country." Our author does not say that the speech of Hon. J. Proctor Knott accompanied this map as its commentary; but \$200,000, Mr. Speaker, is a small sum compared with the inestimable utility of such speeches in unmasking the shams and sins of our speculative

and subsidized fellow-countrymen. [Laughter.]

A petition has been presented in favor of this measure, and the statement was widely disseminated by telegraph that it represented five hundred millions of capital in New York City alone. If these capitalists, mostly bankers, are so anxious for the exposition of their goods, why do they not themselves pay the expenses? Is this Congress to be forever at the call of capital? Have not the syndicate, the subsidists, the tariff beneficiaries, and the bounty-fed mail lines had enough to do with this Congress, to its scandal? When those who have been made rich by tariffs, and who have foisted their fallacies upon the government through foreign exhibitions, shall come forward to aid the working men in some practical way without drawing from the Treasury, I could then understand the reason why strikes should cease, and armies be limited.

But, to hide the little devices incorporated in this bill, to hoodwink the farming interests, and to serve the rich men and manufacturers, who will manage for their own interests under it, an amendment will be offered providing that we shall have an American kitchen to cook Indian corn in various ways. In that kitchen are to be taught all the arts of making and cooking the multifarious preparations of Indian corn. It is to be sold as near cost as possible, and to be distributed gratuitously in "receipts" for cooking, in the various tongues represented at the exhibition. [Laughter.] A man is to be selected to stand in the kitchen and explain the best methods of preparing and cooking. We are to have interpreters in all the tongues at Paris, Chinese, Japanese, Otaheitan, Berber, Turkish, Persian, Greek, Italian, Choctaw, etc.—all. It will not only be pentecostal, but costly. A heathen Chinese approaches my friend from New York [Mr. Hewitt] for of course he will be a commissioner—I think, my friend from Indiana [Mr. Hamilton] called him a "grand high commissionnaire of hominy." He asks "Amelikee man give me co'nee on the ear." [Laugh-

ter.] He gives it; hot, stale corn. Does he enjoy it? See when he returns: "Amelikee man give me univelsal cholikee—hellee!" [Great laughter.] But, sir, the alimentary question is too great for present discussion. [Laughter.]

This proposition for a kitchen and corn, with its interpretation, presupposes, first, that we are the only country that raises this cereal, and that no other country has any knowledge of it; and second, that it will open a large market for our corn abroad. As to the first, I need not say what I mentioned to my colleague, when he was present before our committee, that the armies at present on the Danube, and in Armenia, are in part living upon maize of their own raising.

One would infer from the statements made, that no Indian corn was produced in Europe. I have no statistics of recent production, but in Ruggles' report from the Paris exposition of 1867, he aggregates the total European production at 288,782,340 bushels per annum. In 1860 we had about twice that number. If the same ratio prevails, Europe makes about seven or eight hundred millions. And we are told that we should introduce our samples to induce Europe to accept maize into their households! France alone must produce over seventy-five millions, but of that I cannot speak. Her product in 1867 was about thirty millions, and she has likely preserved her increase with the rest. But, as we produce more than twice as much *per capita* of grain of all kinds, there is a need, in the interest of human food, and its consumption, of removing needless obstacles which would render any great famine impossible. Free trade in corn has become an axiom of economy, and right of humanity. How best our corn market can be enlarged, will be considered before I conclude. I have provided for that in my amendment of \$50,000 to be expended by the Department of Agriculture.

Maize has always been known in France. It is as well known as the *pate de foie gras*. That

dainty is the monopoly of diplomatic dinners. It even spread to America without an exposition. It invaded, according to a volume I have before me, the town of my friend who sits by me, [Mr. Wright, of Pennsylvania.]

MR. WRIGHT. Oh, no. It never came to my district.

MR. COX, of New York. It was a coal district, in Pottsville, Pennsylvania, and it invaded it with a general indigestion. [Laughter.] How is it made? Sanderson, in his "American in Paris," page 129, tells us:

"The goose is now inclosed immovably in a box, where it is crammed with maize and poppy-oil and other succulent food, and its eyes put out so that it may give the whole of its powers to digestion—as that old Greek philosopher, who put out his eyes to give the whole mind to reflection—and a dropsical repletion of the liver being produced by the atony of the absorbents, the liver (the only part of a goose that is now of any account in Europe) is ready for the market."

Maize for such a purpose becomes not only indispensable, but diplomatic, constitutional, and patriotic. [Laughter.]

Maize was well known to Europe, as early as when Joel Barlow executed his "Hasty-Pudding." The lively, entertaining, and homely gaiety of that poem is in agreeable contrast with the gravity and stateliness of the author's general style, and the reports that come to us from the Paris exposition of 1867. Barlow had traveled abroad. He had worshiped the tawny Ceres in other lands; his heart had expanded to meet it in Savoy, where his poem was written. He did not find it in Paris, where shameless Bacchus reveled, nor in London, lost in smoke, and steeped in tea; but he "recognized its yellow face, that strong complexion of true Indian race," at the foot of the Alps. He had found it in the Levant under the *alias* of *polanta*; he found it in France as *polante*; as *mush* in Pennsylvania; *suffpaw* in New York, the *hasty-pudding* of the Yankee; under one or another name he found it wherever he roamed. It was not always cooked as succotash, nor blended with beans, nor made into hoe-cake; but wherever the sun shone,

there grew the maize. So that if this great product, estimated at a billion and a half bushels, and which is so cheap in the West that they burn it for fuel, is to undergo the cost of transportation to the seaboard, which is the price of its production, and then go abroad, three thousand miles beyond the starving denizens of our great cities, and which is already familiar to the European and Asiatic world, it seems like "carrying coals to Newcastle," or bonnets to Paris, to transport it to France, in order to show the pupils of Messieurs Soyer, Blot, and Savarin how to cook it. [Laughter.]

Much of my speech upon this topic has been anticipated by the newspaper comments called forth by the interesting conversations of Governor Tilden, and the zealous co-operation of my colleague [Mr. Hewitt.] Full of love for the laboring man and the great corn-growing West and South, they have returned to their native land with their hands horny with toil in this foreign corn-field. [Laughter.] Our New York avenues are to be razed to their foundations, and those seats of luxury are to give place to that plant whose green spire declares the sprouting root when the tender germ begins to shoot! Sir, not only will the sweat stream from every cook among the effete kitchens of Europe, but the stalwart sons of toil in our luxurious cities will bead their brows with labor, that their simple meals shall be succotash, hoe-cakes, and mush.

One of our journalists in New York basely charges that the crafty Tilden knew that my humanitarian colleague [Mr. Hewitt] knew that this measure would be introduced into Congress, and predicted an increase in the consumption of our corn of over the sixty million bushels which it reached last year. [Laughter.] These prophecies are inspired by the same genius that discerned in the Centennial a mode of paying our public debt, and reviving our paralyzed industries. Another journalist charges further, that my colleague wished to avenge

himself on pauperized Europe, by introducing corn as a regular article of diet. [Great laughter.] It is also hinted that some of our distinguished statesmen will be called upon to minister to the long line of *flanours* and *petits-maitres* along the boulevards, while they illustrate how the smoking cob can be gnawed, and the dulcet sound of "hot corn" lull them at night into sweet dreams of home. [Laughter.] He then goes so far as to hint that the "pop-corn" fiend will be introduced upon the railways of France. [Laughter.]

But, Mr. Chairman, have we no cherished associations with France, growing out of our Revolutionary era, which forbid us to exhibit toward that friendly nation such a spirit of revenge, and lack of comity? I have faith in the stern, repressive power of the French government, under its present military president, aided by the advice of the American Cæsar, General Grant, against such unwarrantable irruptions into Gaul. It is many years since, that an Indiana minister to Berlin labored to qualify the European stomach for this American diet. His experiment was tried upon Humboldt. It failed; failed, sir, upon griddle cakes for breakfast, as the *pièce de resistance*. [Laughter.] It failed, even though the Indiana matron compounded it with her own skillful hands. It failed, sir, although the sweet treacle, tinct with the maple of Vermont, with its dulcet sirup, titillated the palate, and enthused the fancy. [Laughter.] Why, sir, since this scheme, which contemplated both hog and hominy, both patriotism and grits, both corn-dodgers and corn-juice, failed, even though an American minister, racy of the Western soil, had earnestly endeavored to accomplish it, what can be expected from a body of political Jeremy Diddlers and self-sufficient commissioners who know not a full ear from a nubbin! [Laughter.]

The amendment under consideration only proposes to prepare and cook the maize in the presence of the assembled French. This re-

quires an explanation. Why not show how it is grown, how the hills are planted and hoed, the shooting of the tender but not dangerous germ; then the way to protect, with ashes from the grubworm, and frighten off birds with the scarecrow, one of the most interesting images of Western production, requiring a separate exhibition with varieties all along from Virginia, round to Kansas. [Laughter.] If our States are required to send effigies of their great men to fill our niches in this Capitol, why should not our Paris exposition glory in distinct scarecrows from every one of our free and independent States? Why not, under favoring conditions, show the silky fringes of the inchoate corn (is not France the land of silk?) and the roasting ear, ready for the youngster's larceny, and the family succotash? Why not, as an addition to the zoological exhibition, export the sly 'coon and nimble squirrel, enriching their stores like drones or lobbyists from honest toil? [Laughter.] Why limit the exhibition to cookery, which the French so well understand?

Let there be a corn-shucking on the Trocadero, when the ear is full ripe for the harvest; then let the bursting corn arise upon the banks of the Seine, aloof from the incursive rat and the waters' flow. Then, O, joy! let us show the world the old-fashioned husking, before machinery depoetized the rustic frolic. What a reformatory sight in bad, luxurious Paris! Would that it were permitted the Foreign Affairs Committee to take part in it, with its grave but festive chairman. [Laughter.] How happy to be surrounded by the attractive grisettes and coquettish lorettes, or mayhap by the wooden-shod peasant girls of sweet Normandy by the sea, assisted of course by my colleague as chief interpreter. [Laughter.] I think I see these gentle nymphs of Paris, in a beautiful circle, aiding us to tear off the dry envelope from the golden ear, while the song of Lord Lovell, who went far countries for to see, accompanied by sweet cider, passes around! My honored

chairman [Mr. Swann] is in their midst. [Laughter.] Shall I omit my colleague [Mr. Hewitt] from the charmed circle? [Laughter.] I should love to be with them [laughter] when the gentle usage begins. Delicious custom! But never more so than when, with scream and titter, some lucky maiden cries, "*La rouge! la rouge!* I have found the red ear!" Would my honored chairman be reluctant? Suppose a dark eyed maid of Marseilles had a red ear—would he be reluctant? [Laughter.] If he were, would not my colleague take his place? [Laughter.] He would. Would my colleague with modest grace shrink from the penalty which follows? [Great laughter, during which Mr. Hewitt kissed his hand to his colleague.] Would not Ceres be dethroned for another goddess: *Iominum, divumque voluptas*? I hear my colleague sigh. [Laughter.] Methinks I hear the merry deinoiselle crying "*Embrassez-moi, cher monsieur; embrassez-moi!*" [Great confusion and laughter.] Would he, could he, refuse the proffered kiss? [Laughter.] And if perchance the red ear fell to the ingenious inventor of this "maizy" plan—without giving way for a reply—I ask him now and here, would he carry out the custom, and kiss the reluctant maids all around? If he will say he would, then there is no need of further appropriation. [Laughter.] It will pay for itself! [Great and continued laughter.]

What, carry cookery to Paris! Why, a French cook spends a life on a single dish. The French are sensitive to the least aberration in cookery. It is known that the great Vattel exclaimed: "The roast has failed at two tables." He retired to his room in vexation, and expired. Is it possible that we can teach such a fastidious people to eat mush and pone? If this kitchen is intended to punish France by giving it a universal colic on green corn, I can understand it. Is my colleague to be allowed to wreak his disappointments in America on a people not responsible for the returning board of Louisiana

or the inauguration of President Hayes? Sir, such motives should not influence legislation.

But perhaps my colleague has humanitarian ends in view. He would rescue France from wild propensities, social freedom, and sensual gratification. But will corn or its essence do it? Will the wanderer in the Prada, the Rue Saint Honore, and the Salle Victorie, saloons of which the quadroom balls of New Orleans are mere shadows—be reclaimed by corn? It is said that France is degenerating, its births falling off, its population decreasing. Eureka! I have the idea. I find it from Barlow's muse. He tells us in poetic measures how his father loved mush, what vigor he had; that ten sturdy freemen from his loins attested it; that all his own bones were made of the succulent Indian corn. [Laughter].

Some applications to other exhibitions were as odd as is this corn-kitchen contrivance. An eccentric applicant desired to exhibit a flying-machine under the great dome at London, in 1852. Had he succeeded he would have shot out through the costly glass cupola. Another proposed to exhibit an epic poem in the picture-gallery. An eight foot giant dressed in the time of Henry IV. was offered as an usher; a gardener proposed improvements in surgical implements; a doctor, a contrivance to ripen fruits; a grocer, a new projectile for heavy ordnance; a Cambridge student, a floating-battery; an accountant, an omnitonic flute; a lawyer, spring-heel boots [laughter]; a book-binder, an interminable suspension bridge; a broker, a new kind of embroidery; a private secretary, gooseberry wine; a gentleman, a turn-up bedstead for a shoemaker; a member of Parliament, a patent moustache-guard with protection from soup [laughter]; and a Frenchman presented an exalted affinity or homogeneous equilibrium of individual *unite* affected through its constituent atoms by a chemical combination with a reduction of the pretended simple elements, returned to the primitive root. [Great

laughter]. Then why should not my amiable bucolic colleague, so experienced in iron and electoral commissions follow these many precedents and present at the congregation of the nations a *cuisine* redolent with this life-giving, life-supporting, all-soul-reviving, luscious cereal, and spread its merits in foreign tongues to the uninformed peoples of the world! Where, oh, where, would Colonel Sellers be with his famous eye-water for the four hundred millions of double-eyed Asiatics, or his wonderful corner in corn? He fades before this all-comprehensive project.

But, while we may command this great and beneficent idea, always supposing that it can be accomplished without an appropriation, must we not look at its possible impediments to reception? For, if this arrangement is made, one thing must be provided in the mush-and-milk department. Barlow sings it in his "Hasty-Pudding." There must be a different spoon from that of Gaul, which was contrived to scoop in ample draughts the thin, diluted soup. In attracting the French peasant from his black bread and thin wine, his *soupe maigre* and indigestible truffles, we must also adjust the cutlery to the food and, too, the food to the cutlery; and this will require a new tariff. Besides, remember, this forced installation of our Ceres may meet with some resistance—doubtless will—and I shudder at the prospective conflict; for, has not the experiment been tried once before, when America, in closest sympathy with Ireland's suffering masses, offered her corn, and was most ignominiously repulsed by the expected recipients? So, I fear, may be the result of our corn mission! They will conceive it to be another of our force measures, and resist.

Sir, Russia invades Turkey to force Christianity into the Moslem conscience, and Turkey turns the tide of war against the invader, in defense of her suzerainty.

The world stands on tiptoe, *erectis auribus*—looking toward Ararat and the deluge of blood.



blue Danube, waiting the result of this is conflict of the ages. But, sir, Russia, with their embattling hosts, such array as will be that of the ter-  
 ught of my colleague in the great corn f the nineteenth century. [Laughter.] s Don Quixote, who, in his hallucina-  
 ged with all his chivalry upon a flock with not less discretion and no greater he simple shepherds and their flocks  
 ie knightly regard he had for his fair *cuisiniere*. But, sir, he did it without appropriation than that furnished by  
 ho's wallet! [Laughter.]

y, Mr. Speaker, almost every element an industry and manufacturing, under  
 terprise, will find its proper market in I have seen the Maid of Saragossa, in  
 ip the light fantastic toe" upon the our sewing machines; our agricul-  
 ements have their agencies throughout The five hundred million dollars' worth  
 ners as they saunter through the f Paris or under the lindens of Berlin,  
 ways so much at leisure but that they in eye to business. Our grains will go  
 there is a demand for them, for life n them. Under proper reciprocity our  
 orts to Great Britain might double in heir sixty millions without an appro-  
 The exportation of American watches, o the Swiss, already has an enlarged  
 ithout an appropriation. Our whiskies wines are indispensable to give addi-  
 length to the wines of Bordeaux, nd Xeres. The gentleman from Con-  
 ny friend [Mr. Landers], has already cutlery to Sheffield without an appro-  
 nd in spite of restriction. American ill find their way beyond the barriers of  
 d Japan, along with our sewing ma- It is well, sir, to have a flag to cover an  
 tion; sometimes the flag without the tion may be better.

Mr. Speaker, I say it with all respect to the gentlemen who favor this measure, with the five hundred millions of capital which back it, that not one man truly representative of labor would ever be selected under its provisions. It is intended to help the men of velvet paws who would, if they could, displace the simplicity of our habits by the luxuries of Heliogabalus. If the nine acres of carpeting in the Treasury Department were confiscated, it would enable our Parisian voluptuaries who favor the Napoleonic dynasty in their colony at Paris to visit that other exhibition, the Jardin Mabille, and dance the can-can after a plentiful consumption of American corn. Is it not enough for us to throw over this exhibition the mutuality of our courtesy and the ægis of our government, without sending bounties to the five-hundred-million-dollar petitioners who come to Congress for help?

When the Centennial was before Congress, my sanguine colleague who has introduced this measure, considered that the Centennial would be a paying investment. It would put our own money into rapid circulation; it would help our railways, hotels and shops; re-open the channels of business, not to be clogged again with the *debris* of another financial convulsion. Labor would no longer stand idle, consuming without producing; the country would feel better; confidence would be restored; and the enterprise and energies of our people once more assert themselves in opening new highways of communication.

It would be the resurrection of industry; new and suggestive ideas would be aroused; foreign capital would be attracted hither; we should be able to negotiate our new loans at the lowest rate, raising our credit to a level with that of Great Britain. A heavy annual burden of taxation upon productive industries would be removed, and a thousand other rhetorical blessings were promised, which came to pass in the most severely ironical manner. Under such specious and pleasant prospects we gave \$600,000 to the

Centennial; and, in addition, there was an act of June 1, 1872 (17 statutes, 203), in which it was provided that an appropriation of \$1,500,000, made by the act of February 16, 1876 (19 statutes, 3), must be paid into the Treasury of the United States before any division of assets should be made among the stockholders in satisfaction and discharge of the capital stock. And the Supreme Court decided (Otto, 505) that Congress did not intend by the act of 1876 to change the order of distribution as provided by that of 1872.

How the Centennial itself paid its promoters, and its peculiar attempt to hold on to the million and a half which we had only *loaned*, and to make the United States not a preferred but a common creditor, eventuated, the decision of Judge Waite amply illustrates. It is but another example of how the bounty of this government is treated by men of large capital and unbounded infidelity to their engagements.

Mr. Speaker, if we would assist our industries, enlarge our market, and attract with all our forces, social and political, other people to our shores, let us repeal these absurd and repellant policies. Let us avoid giving bounties to a selfish class. If we want an outlet for our productions, let us enlarge the sphere of consumption. If we would make an alliance of physical with intellectual force, and lift the hierarchy of labor into a higher plane; if we would extend the hand of fellowship to other nations, we have something more to do than to create a simple display of goods upon a stall in a foreign land. What avails a public *fete* or show, with a Chinese wall placed round our own country by restrictive legislation. Take the duties off our fifteen hundred taxable articles, and you have a market with all the world. You withdraw the veil which hangs over our industries, and make America itself a universal exhibition. We want no edifices of iron or glass to give impetus to manufactures. Your enchantment to provoke improvement and increase of manufactures is a

cheap market, not merely for your manufactures, but for your breadstuffs. Liberalities in exchange bring together the skillful manufacturer and the cheap transporter. What France and England did by 'reciprocity, we may do. No palatial prodigies like the Crystal Palace or the *Ausstellung Alla* are half so potent as a cheap market. It is the lamp of Aladdin. It accomplishes miracles, saves from revolution and distress, and destitution and poverty, and despair and death.

Man has made his railways upon the earth, the sea has become an economical means of transit through steam; there is no quest, even to the uttermost parts of the earth, in which our enterprise may not go with the cheap market. If isolated, with all our pre-eminence in industry, with all our power to create motion in matter—we fail. Our mines may give us silver and gold, our valleys maize and wheat, war may take from the fields of labor its millions of men in other lands, we may know what Carlyle said when he sang of tools and the man, and the power of the dwarf behind the engine to remove mountains; but all is of no avail without an outlet for our products. Governments may give bounties, as Napoleon did, for the substitution of flax for cotton to destroy the commerce of a neighbor, but the restricting invention returns to plague the inventor. The active, free-trading nation will become enriched thereby. We may have the process by which steel is made in great retorts by the ton, the refinements of the spectro-scope, but at last the genii that wait upon the magic ring of prosperity enter the unrestrained and cheap market. In vain, legislators, do ye endeavor to oppose the designs of Providence, for the order of God is *freedom of exchange*!

When this country, by a series of insane tariffs, sought to exclude the merchandise of other nations, it did not grow rich. When England, in 1846, repealed her corn laws she made a new commercial system that gave her the exchanges of the world. Maine cannot sel

timber abroad with a tariff which taxes the  
her fish. Illinois cannot find as good a  
let for her teeming granaries in the Old  
ld when she stops the fabrics of England  
France. If we would sell our machines  
grains to France, we must buy her olive oil  
silk. The rule has no exception. You  
ot make a bargain without two parties.  
e is no sale without a purchaser. Can you  
to one without receiving from him, and ex-  
to remain solvent? Try to sell abroad  
out purchasing abroad, and you will make a  
re, and a failure more absurd than any which  
iat demonstrates, or China once illustrated.  
is not in expositions, in subsidies, that our  
less prairies and abounding forests, or our

commercial and manufacturing greatness will  
attract the over-populated countries of the Old  
World. Let America open her arms to the  
hungry and the hopeless, and bid the homeless  
come over sea and land. Let them delve in our  
mines, plow in our soil. We have air, and  
water, and bread, and gold and silver, riches,  
happiness, and labor, for all who come. Only  
there stands in the path the one gaunt specter of  
selfish and unmitigated greed through legisla-  
tion. The first step to be taken by the Ameri-  
can Congress for the revival and prosperity  
of our country is freedom of trade without  
the folly of shackling it. Therefore let our  
appeal to the world be made: *Ad nos ad saluta-  
rum undam, venite, populi.* [Applause.]



## WILLIAM M. SPRINGER

**A**MONG the prominent public men of Illinois, stands William M. Springer, the present Congressman from the Twelfth District. He is a native of Indiana, being born in Sullivan county, of that State, May 30, 1836. In 1848 his parents removed with their family to Jacksonville, Illinois, where their son William was placed under the educational charge of Dr. Newton Bateman. He afterward pursued his studies, first at Illinois College, and later in the State University of Indiana, where he spent two years, graduating in 1858. He then returned to Illinois, and devoted himself to the study of law, and was admitted to the bar in 1859 or 1860. He soon set sail upon the uncertain sea of politics. He was a Democrat from the first, and was the candidate of that party for legislative honors in his district, in 1860, but was unsuccessful. The next year he removed to Springfield, and entered upon the practice of his profession. In 1862 he was Secretary of the State Constitutional Convention of Illinois, and performed his duties with marked

ability. For several years since he devoted his attention untiringly to legal practice, and in 1868 visited Europe, for the benefit of his wife, and to secure the advantages to be gained by travel and study. In 1870 he returned home, and was the same year chosen to represent his county in the Legislature, serving during the sessions of 1870 and 1872.

In 1874 he was elected to represent the Twelfth Illinois District in Congress. He has been re-elected to the same post for four succeeding years. Mr. Springer is popular at home, where he is well known, and in Congress he is an untiring legislator. He served with distinction on the Potter Election Committee, and on other important special committees during the Forty-fifth Congress. Independent in his views, and consistent in advocating what he believes to be the right. When his party has the majority in the House of Representatives, he has been prominent among the candidates for the Speakership of that body.



WILLIAM M. SPRINGER



## RESUMPTION OF SPECIE PAYMENTS.

*Mr. Springer's Speech, delivered in the House of Representatives, Nov. 23, 1877.*

**SPEAKER:** We have had a very long and exhaustive discussion on the pending bill. This discussion is not to be regretted. A light has been thrown upon the subject. Some confusion of ideas has also been cleared out.

The most distinguished leaders of the resumption do not agree as to the meaning of the present resumption act. The gentleman from [Mr. Garfield], in his elaborate speech last night, said:

That the law is not entirely free from ambiguity. The Secretary of the Treasury, who has the execution of the law, declares that section 3579 of the Revised Statutes is in full force, namely:

When any United States notes are returned to the Treasury, they may be reissued, from time to time, as the necessities of the public interest may require."

Although I do not believe in keeping greenbacks as a permanent currency in the United States, although I do myself believe in the government becoming a permanent banker, yet I am willing for one that, in order to allay the shock to business which gentlemen fear, the 100,000,000 of greenbacks shall be allowed to remain in circulation as long as the wants of trade show manifestly they are needed. Now, is this a great contraction? Contraction at all?

Summing it all up in a word: The struggle now pending in this House is on the one hand to make the greenback better, and on the other to make it worse. The resumption act is making it better every day. Repeal that and you make it indefinitely worse.

Now, gentlemen, when you have brought your greenback up two and one-half cents higher in value, you will have added to your volume of money \$200,000,000 of gold which cannot circulate until greenbacks are brought

back. Those who are afraid of contraction consider that they have answered it.

Those who defend the resumption act propose not to destroy the greenback but to dignify it, to glorify it. The act we defend does not destroy it, but preserves its value at \$300,000,000 and makes it equal to and convertible into coin.

Now we are informed that the resumption act does not destroy the greenbacks, but dignify and glorify them. But the distinguished gentleman

from New York [Mr. Hewitt], in his very able speech upon this subject, advanced quite a different view of the meaning of the act. I call attention to the following extract from his remarks:

**MR. SPRINGER.** Will the gentleman allow me before he takes his seat to ask him one question? I understood him to say that it would take \$350,000,000 of gold coin in order to enable this country to resume and maintain resumption.

**MR. HEWITT, of New York.** No, not as much as \$350,000,000; I think it will take \$275,000,000. That I believe will be about the amount required to maintain resumption, provided you contract the currency notes to the point to which they ought to be contracted, and will be contracted to enable us to do business with the same instruments of exchange, the same amount *per capita* as we now use.

**MR. SPRINGER.** The gentleman refers to the bank notes.

**MR. HEWITT, of New York.** All kinds of paper money; legal tenders and bank notes.

**MR. SPRINGER.** If you take all the greenbacks out of circulation—

**MR. HEWITT, of New York.** Every one of them must go out of circulation, and some of the bank notes.

How shall we reconcile these conflicting views? They cannot be reconciled. The gentleman from Ohio says that resumption means that the greenback is to be dignified, glorified, and made better. This is perhaps for his greenback constituents in Ohio. The gentleman from New York says that resumption means the wiping out of all the greenbacks, and the further contraction of the national bank notes. If for no other reason the resumption act ought to be repealed, because its meaning is so differently understood. An act of Congress that is so worded that its ablest advocates cannot agree as to whether it will destroy or make better three hundred and fifty-four millions of the currency of the country ought to be repealed for its uncertainty, if for nothing else. It is this uncertainty as to the effect of the resumption act that causes much of the present

want of confidence and depression in business enterprises of the country.

As between the construction placed upon the act by the two distinguished gentlemen referred to, I adopt the construction placed upon it by the gentleman from New York [Mr. Hewitt.] That is the reasonable meaning of the act. Redemption means payment, and payment of a note is followed by its cancellation. The section of the Revised Statutes cited by the gentleman from Ohio [Mr. Garfield] does not apply. "Notes returned to the Treasury" are not notes redeemed by the government. Section 3579 was passed in 1863, during the war, and simply authorized the reissue of legal tenders received by the government in taxes. This section is the authority for the payment of the salaries of public officials and the expenses of the government with the same legal tenders which are returned to the government in the public revenues. It has no reference to redeemed notes. If the resumption act had explicitly stated on its face that the notes when redeemed should be reissued and the volume of legal tenders kept at three hundred and eighty-two millions, the amount outstanding at its passage, it would never have been passed. The Wall street creditors and currency contractionists would then have had no use for such a law. But if, on the contrary, it had explicitly stated that the legal tenders when redeemed should be canceled and destroyed, it would not have passed, for the whole business interests of the country would have cried out against it. Hence it could not have passed without deceiving and cheating one class of people or the other. It could not have been passed except upon false pretenses. Ought such a law to remain on the statute books?

There are other and stronger reasons for the repeal of this law. I hold that the day for resumption cannot be fixed by statute. It must depend on the prosperity of the country and such favorable course of trade as will cause an accumulation of the precious metals. Statutes

only embarrass and hinder resumption. Trade and prosperity alone will bring it about.

I have heard much since this discussion began, about the favorable balance of trade.

The Secretary of the Treasury, in his monthly public debt statement, November 1, for the first time introduces the subject of imports and exports, in order, I presume, to show what he deems a favorable balance of trade. The items are these:

Imports, (twelve months ending September 30, 1876).....	\$435,427,270
Imports, (twelve months ending September 30, 1877).....	468,131,773
Exports, (same time, 1876).....	619,173,350
Exports, (same time, 1877).....	667,403,577

From these items it will be seen that the exports for the year ending September 30, 1877, exceeded the imports nearly \$200,000,000. This is claimed to be a favorable balance of trade. It is just the reverse. It means that we have sent out of the country nearly \$200,000,000 in articles of value more than we have received. It must be borne in mind that these statements include the exports and imports of specie and bullion. If we got the two hundred millions back in coin we would be even with the rest of the world, at least. But as it is, we get nothing back. It takes all that to pay our coin obligations abroad. Let us suppose that our imports were six hundred millions and our exports were four hundred millions, and that a part of the six hundred millions was coin, say two hundred millions. Then how would the international balance stand? Thus:

Received from abroad manufactured articles, tea, coffee, sugar, etc., for the year ending September 30, 1877, to the amount of \$400,000,000; gold coin to the amount of \$200,000,000; total, \$600,000,000. Exported during same time manufactured articles, breadstuffs, etc., to the amount of \$400,000,000.

That is what I call a favorable balance of trade. The country is richer at the end of the year by exactly \$200,000,000. It is passing



strange that leading statesmen of the country have not learned this simple lesson in political economy. A country never accumulates coin (except from its mines) unless its imports exceed its exports, the coin movements being a part of each.

For the past ten years the imports of Great Britain have exceeded the exports by from \$500,000,000 to \$600,000,000 annually. I have not the dates for previous years before me, but presume the same condition of things substantially has continued for many years. For the ten years the excess of imports over exports has been over \$5,000,000,000. Is England getting poorer or richer? Her aggregate of exports and imports has increased from \$2,445,000,000 in 1865 to \$3,335,000,000 in 1874. Her manufactures, railroads, and mineral resources show an equal increase during the same time. The evidence is overwhelming and conclusive that, with five billions of excess of imports over exports during the past ten years the prosperity, population, and wealth of the country have been continually on the increase. This effectually disposes of the favorable-balance-of-trade theory which has been so often advanced during this discussion.

In order to resume specie payments and maintain resumption it is absolutely necessary that there should be at least \$350,000,000 of coin in the country. And this estimate is based upon the fact that the present resumption act will cause all the greenbacks to be redeemed and canceled as soon as possible after January 1, 1879, leaving the circulating medium of the country to consist, in round numbers, of \$300,000,000 of bank notes and \$350,000,000 of coin. If resumption is to be upon the gold basis, this coin must all be in gold. Hence it becomes a matter of great importance, in making preparation for resumption, to consider whether resumption is contemplated upon the gold basis only, or upon the basis of gold and silver.

It is a matter of the utmost importance, also,

to consider the amount of coin now in the country, and what amount there will probably be in the country at the time fixed for resumption by the act of January 14, 1875. A careful examination of the exports and imports of coin for the past five years, and of the coin production of the United States for the same time, will throw sufficient light upon the subject to enable us to estimate with reasonable accuracy the probable amount of coin there will be in the country January 1, 1879.

One would naturally suppose, from the frequent reference made to the favorable balance of trade, as is claimed by the advocates of resumption, that there was a constant influx of specie and bullion into this country. But this is not the fact.

According to the theory of the balance of trade, which so many members have advanced since this discussion began, the United States would be the richer by this difference. But I cannot see how a nation is to get rich when it sends out of the country continually more values than it receives from other countries. We have sent out of the country during the past three years over \$338,000,000 of substantial values, for which we have received no return. That sum was required to pay our coin interest and private and corporated indebtedness due abroad. The excess of specie exported over that imported for the same period was \$127,188,896. Instead of drawing specie from other countries for purposes of resumption, we are sending abroad large sums to pay our foreign indebtedness. And this is what gentlemen call "preparing for the resumption of specie payments."

But, adopting the test laid down by President Grant in 1873, we must look for an "accumulation of the precious metals in the country from the products of our mines." The trade balances make a poor showing for resumption.

The Director of the Mint estimates that the coin and bullion in the country June 30, 1875, amounted to \$142,000,000. Of this amount at

least \$30,000,000 were in bullion, which has since been coined, exported, or consumed in the arts. This would leave but \$112,000,000 of gold and silver coin in the country June 30, 1875. Since that time the coin has increased to the extent of the excess of imports and coinage over exports. An examination of the statistics already referred to, will show this excess to be as follows: For the year ending June 30, 1876, the accumulation of coinage was \$16,996,172, and for the year ending June 30, 1877, it was \$44,612,177.

Some visionary resumptionists have contended that it is not necessary that there should be any considerable quantity of gold in the country in order to resume specie payments; that public confidence is the most that is required; that people will not demand the gold when they know they can get it; and that but few greenbacks will be presented for redemption after January 1, 1879. Such visionary ideas are hardly worthy of a moment's consideration. Every intelligent student of political economy knows that a sound monetary system cannot exist upon a specie basis unless there is a certain relation between the amount of coin and the amount of paper money in the country. In France the relation between coin and paper money which is deemed necessary for safety is that of five dollars in paper to seven in coin. But the actual relation is that of five of paper to twelve of coin, there being \$500,000,000 of paper money and \$1,200,000,000 of coin in the country. Of the latter amount \$500,000,000 in coin lie idle in the Bank of France. In England there are \$140,000,000 of paper money to \$500,000,000 in coin. In Germany there are \$285,000,000 in paper money, and \$555,000,000 in coin.

In the United States before the war there were \$200,000,000 of paper money and \$300,000,000 of coin. The numerous suspensions of specie payments in this country from 1809 to 1861, almost averaging one suspension in every ten years, should admonish us that it is folly and

madness to attempt to resume and maintain resumption, unless the amount of coin in the country exceeds the volume of the paper money. But if the greenbacks, which are a legal tender, and take the place of gold, are to remain as a part of the currency of the country, resumption may take place as soon as the government can accumulate in its own Treasury \$150,000,000 of gold coin, which can be held permanently for purposes of resumption. But under the present resumption law the legal tenders will soon, after January 1, 1879, be canceled and destroyed, and the bank notes be left as the only paper money of the country. With \$300,000,000 of such paper permanently in the country, the coin ought not to be less than \$500,000,000, \$150,000,000 more than I have estimated as necessary. But the probabilities are that the depression of business caused by the effort for resumption will cause from fifty to one hundred millions of the bank paper to be withdrawn and canceled. Hence it is possible to begin resumption and maintain it with \$350,000,000 of gold coin in the country. But there must be no panics, no crop failures, no disturbances in the commercial world, or there will be immediate suspension again.

It has been frequently stated during this discussion that the greenback was so nearly equal to gold that resumption had practically taken place; that all the evils of contraction had been experienced already; and that the difference between gold and greenbacks was so little that resumption could work no further mischief. A greater mistake was never uttered. The bringing of greenbacks to par with coin is not the resumption provided for in the present act. Resumption under the law means cancellation of the greenbacks, and destroying the legal paper of the country. Legal tenders can be made equal to gold in value without redemption and cancellation. Receive them for duties on imports. Make them convertible into United States bonds, as they were in 1863. Let the

government honor them itself, and they will be equal in value with gold, without other or further legislation.

It is unaccountable to me that the national banks are so anxious to force specie payments upon the country. As soon as it is possible for the Secretary of the Treasury to redeem and cancel the greenbacks, after January 1, 1879, he will and must do so. What will then be the condition of the banks of the country? They will be required to pay on demand, in gold, their circulating notes and individual deposits.

The amount of deposits in State banks, private banks, savings banks, loans and trust companies, and national banks, on May 31, 1876, was \$1,974,187,449. The circulation of the national banks October 1, 1877, was \$317,025,904. The aggregate amount due and payable on demand by the banks of the country is therefore \$2,291,213,353. What preparation have the national banks made for their share of these enormous sums, payable on demand, in gold, on and after January 1, 1879?

The whole amount of gold coin in the two thousand and eighty national banks on the 1st day of October, 1877, was but \$4,869,656.46. The effort to support such an enormous credit upon such a narrow foundation may be successful, but it is certainly neither an evidence of lunacy nor demagoguery to doubt it.

The banks and the Treasury Department have invented a new method of swelling coin balances, which is done by what are called coin certificates. Any person may deposit gold coin or bullion in the Treasury, and take a certificate therefor. The certificate is a legal tender for duties on imports, and when paid into the Treasury, instead of being canceled they are carried on the books as coin certificates. On the 1st of November \$33,543,200 of these coin certificates were in the Treasury, and were published as so much coin. The national banks also hold about twelve millions of them. These are carried on their books as coin, because the coin

they represent is actually deposited in the Treasury. But the result of this financial ledger-demain is this: That the same dollar appears in two places at the same time. The Treasury has the gold deposit; the bank has the gold certificates, or they are paid into the Treasury for duties on imports, and again appear as coin. The truth is, that there is very little gold coin in the country, much less than I have conceded. There is not more than one hundred millions of gold coin in the country at this time, and there cannot, with any reasonable certainty, be accumulated more than one hundred and fifty millions of gold coin in the country by the 1st of January, 1879. And with this paltry sum the great work of resumption of specie payments is to be begun—resuming on seven hundred millions of paper money in the country with one hundred and fifty millions of gold coin!

If the government persists in its present determination to force specie payments on and after January 1, 1879, there are no means of estimating the disastrous consequences. Universal bankruptcy will ensue, and instead of resumption taking place and being maintained, the government and the banks will be left in a chronic state of suspension.

But the banks and the government are not alone to suffer. The individual, corporate, and municipal indebtedness of the country, amounting to an incredible sum, variously estimated at from eight to ten billions of dollars, must, after the day of resumption has arrived, be paid in gold if it be demanded, or at best in paper convertible on demand into gold.

Is it possible to carry this immense debt burden on a gold basis with the meager supply we have of the precious metals? I think not. The effort will destroy the productive industries of the country, and result only in universal bankruptcy, and financial ruin.

The present resumption act has utterly failed in producing the good effects promised by its projectors. President Grant, in his annual mes-

sage, December 7, 1874, the session which passed in January thereafter the resumption act, said:

"I believe it is in the power of Congress, at this session, to devise such legislation as will renew confidence, revive all the industries, start us on a career of prosperity to last for many years, and to save the credit of the nation and the people. Steps toward the return to a specie basis are the great requisites to this devoutly-to-be-sought-for end."

The restoration of confidence, the revival of industries, the era of prosperity—ends so devoutly sought for, and promised to the country, as the sure result of the passage of the resumption act—have not been realized. On the contrary, the result has been the reverse.

But this is but the beginning of the end. Let the policy of forced resumption be persisted in, and no man can tell what will be the result. But we may form some idea of it. If the contraction of the currency since the resumption act passed, January 14, 1875, to the amount of \$27,000,000 of greenbacks and \$35,000,000 of bank notes, making an aggregate paper money contraction of \$62,000,000, has resulted in the wide-spread distress and bankruptcy we now see in the country, what may we not expect when a further contraction to the amount of \$354,000,000 of greenbacks and \$100,000,000 of the bank paper, as predicted by the gentleman from New York [Mr. Hewitt] shall take place under the operation of the resumption act? It is true that much of the present financial distress is attributable to causes which antedate the passage of the resumption act. But it is also true, that that act, instead of bettering the condition of the country, has greatly aggravated our difficulties, and has rendered it almost impossible for the people to recover their losses, or to save their shrinking fortunes. How many thousands, who have thus far withstood the fury of the storm, are now waiting anxiously for their Representatives in Congress to come to their rescue by repealing the law which so sorely oppresses them, and threatens their ultimate ruin? Shall we disappoint their hopes, and turn a deaf ear to their wail of dis-

trese? Or shall we rather come to their rescue, by repealing this grievous measure, and thus restore confidence to the country, and prosperity to the people?

Mr. Speaker, the friends of repeal upon this floor have been denounced here, and in the public press, as repudiators, inflationists, and lunatics. I will not dignify these epithets by calling others equally unjust and unreasonable. But permit me to say that those who favor the repeal of the present resumption act, did not aid in procuring the legislation by which the legal tender notes were dishonored by the government, by refusing to receive them for duties on imports. We did not aid and abet the repudiation of the contract upon which the 5.20 bonds were issued, and a wholesale robbery of the people to the extent of hundreds of millions of dollars, was legalized, and consummated in 1869. We did not in a clandestine manner procure legislation in 1873 demonetizing silver, and changing the contracts upon which all the public securities and private indebtedness were founded; nor do we now seek to take advantage of the wrong and outrage which resulted from this fraudulent piece of legislation, procured in the interest of creditors, and to the robbery of all the debtors and the taxpayers of the country. We did not denounce the bankers and capitalists of Wall street in 1873, in time of the great crisis of that year, because they, in their extremity and hour of need, implored the President and Secretary of the Treasury to reissue, upon a doubtful provision of law, forty-four millions of greenbacks, and throw them upon the market in the purchase of bonds. We did not then laugh at their fear, nor mock when a financial calamity was upon them.

No, the friends of repeal have not done all the mischief that is properly chargeable to the financial legislation of the past. We do not propose, or favor, repudiation. We will keep the contract in its letter and spirit. Can the capitalists say as much? Will they return to the original contract upon which the 5.20 bond

were issued, and restore the silver dollar to the position in the money of the country which it occupied prior to 1873?

We do not desire inflation. But we oppose contraction, and insist that the paper money of the country shall be equal to the demands of business. On the 14th day of January, 1875, when this resumption act passed, there were three hundred and eighty-two millions of legal tenders, and three hundred and fifty-one millions of bank notes in circulation. Between November 1, 1872, and the same date, 1874, there were added twenty-two millions to the greenback currency, and eleven millions to the bank circulation. This was done in response to the demands of Wall street, and the Eastern capitalists. When they asked for bread we did not give them a stone. When they cried out for more greenbacks and bank paper, their demands were heeded. But the cry for more money now comes from the people. Will it be heeded? While many think the volume of the currency should be put back, as a measure of justice to the debtor classes, to what it was in 1875, when the resumption act passed, yet we are not dealing with that question now. Repeal merely stops where we now are, and provides no additional issues, but lets the amount of currency remain at its present volume. This is the sum of our offending.

But what do those upon the other side of this question propose? The contraction which has already taken place has produced such widespread ruin, that one would think it madness to pursue so fatal a policy. But still further contraction is demanded. The whole legal tender currency is to be destroyed as with a consuming fire, and a hundred millions of the bank paper must share the same fate—cremation of the people's money, and confiscation of their property.

I appeal to the Representatives of the people on this floor, to the Representatives of the States in the other end of the Capitol, and to the Executive, at the other end of the Avenue,

to interpose their authority as the law-making power of the country, to avert by proper legislation the fearful consequences which must follow the futile attempt to carry out the present resumption act.

It is the part of wisdom to avert, if possible, a threatened calamity. The dead past must bury its dead. We cannot call into commercial life the thousands who have already gone down to financial ruin. But other thousands on the verge of dissolution are crying for relief. Still others, now comparatively secure, see the threatened danger that may befall them through the misfortunes of others. They, too, are beginning to realize the situation, and demand repeal.

If this Congress does not repeal this oppressive measure, the next will; for nothing is settled in this country that is not settled rightly. A popular revolution is impending. State follows State in pronouncing against the financial legislation which has produced the present distress, and still holds the country in the paralysis of hard times. The questions involved are of the most transcendent importance. The cause is that of the people; the object to be accomplished is the greatest good to the greatest number. Can the ultimate result be doubtful?

"Revolutions never go backward." The greenback money will not be abandoned by the people while there is a dollar of the bonded debt of the country unpaid. The interest upon the \$354,000,000 of legal tenders, if they be converted into 5 per cent. bonds, would amount to \$17,700,000 annually. The people of this country will never deprive themselves of so much of their circulating medium at so fearful a cost.

The resumption act confers upon national banks the monopoly of issuing all the paper money of the country. Repeal means that one-half of it, or \$354,000,000 of the paper currency, shall be issued by the government directly. The banks demand all. The people demand half. This is the vital issue involved in repeal. In the future, other questions will arise, of which

it is not necessary to speak at this time. But whatever those questions may be, the people, while maintaining the national honor and credit, at home and abroad, will never cease their de-

mands until full justice is done to all classes, until labor shall have its just reward, and until the laws shall secure equal rights to all men, and grant exclusive privileges to none.







WILLIAM B ALLISON.

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## WILLIAM B. ALLISON.

WILLIAM B. ALLISON, of Dubuque, was born at Perry, Ohio, March 2, 1829. He improved the privileges offered by common schools of his native land then, pressing on for betters, he entered Western Reserve Ohio, and secured the benefits of a thorough course of instruction in education. After completing his college, he entered upon the law, was admitted to the bar, and began practicing in his native State. He was attracted to the great West by the opportunities it offered to young men of energy and determination, and in 1857 he left his native State, and settled in Dubuque, Iowa, where he has resided and practiced his profession. His devotion to his chosen work, his mastery of the laws of his State, and his ability to use his knowledge effectively, secured to him more than ordinary success in his calling; and this success and ability attracted the attention of leading influential men of the State. He was appointed to a place on Governor's staff, and soon found an opportunity for the use of all his power

and energy. The war of the Rebellion made a demand on the loyal men of the North, to which they nobly responded. Some were called to the tented field, and the scene of battle, and others, no less noble and brave, were called to see to the organization and the supply of the army. Mr. Allison was called to the latter duty, and performed it with ability and success. In 1862, only five years after entering the State, he was nominated by the Republicans to represent his district in Congress. He was elected, and by successive re-elections served in the House until 1871, when he was chosen to succeed Hon. James Harlan in the United States Senate. He took his seat in the Senate March 4, 1873, and on the expiration of his first term he was re-elected for a second, which will expire March 3, 1885.

Mr. Allison soon took a prominent place in the councils of the Nation, and discharged every duty devolving upon him acceptably to his district and his State. When strong, clear-minded men were needed to grapple with the momentous questions that came before Congress in

those terrible days when treachery and rebellion were clutching at the Nation's throat, none stood firmer than William B. Allison, of Iowa, and none with clearer vision or more abiding faith saw the complete triumph of the right, or with more manly patience worked and waited for it. After the war closed, there were still many dangers to be met, and Iowa knew that no safer man could be found to look to the interests of the Nation in the highest legislative body of the land, and Mr. Allison was promoted to the Senate, where, for ten years, he has done faithful service. During that time he has served on two of the most important committees of the Senate—those on Appropriations and Finance, holding the position of chairman of the former at present, and for several years past.

Mr. Allison is not a man of many speeches, but he is pre-eminently a man of much work. He has the confidence of his political opponents, as well as of his friends, to such a degree that a fellow Senator has said: "I have seen a word of explanation and assurance from him

silence Beck and Bayard, and other opposition leaders."

In 1883, one of the questions entering into the political campaign in Iowa was the election of a United States Senator to succeed Mr. Allison in 1885. The Legislature to be elected during that campaign was to choose a Senator. The almost universal desire of the Republicans of the State was that Senator Allison be his own successor. The Democratic and Greenback parties united in the effort to accomplish his defeat. Mr. Allison prepared to make a vigorous campaign, and threw his whole power into the work. He delivered one speech at Clarinda, on Saturday, August 11, 1883, which, for masterly comprehension of the great questions before the people, both State and National, stamped him as one of the leading statesmen of his day. On the day following, the melancholy death of Mrs. Allison closed the mouth of the Senator for the rest of the campaign; but the results of the election on the 9th of October presage the return of Mr. Allison to the Senate for a third term.

## REMONETIZATION OF SILVER.

*Mr. Allison's Speech, delivered in the United States Senate, Dec. 13, 1877.*

MR. PRESIDENT: I did not intend to offer any remarks upon this resolution of the Senator from Ohio, when the debate began, and I shall only occupy a brief time now to correct what

I conceive to be some erroneous impressions as to the effect of the remonetization of silver. I regret, exceedingly, that the Senator from Ohio has seen proper to antagonize his resolu-

at I conceive to be the main question : Senate, namely, what shall be done ; whether or not silver shall again place as a part of the money of the States, because, unless that shall take authority of law, the bonds of the States must, by force of existing statute, be paid in gold coin.

that we have not discussed the main first, for another reason, because all went thus far against the proposition that Senator from Ohio, is based on the idea that the intention of this Senate and the people of this country, to place as money, a silver dollar will be intrinsically less in value than the gold dollar that we now have in circulation. If we had discussed first the question of the remonetization of silver and the method of its monetization, we should have saved much of the discussion with reference to relative values between gold and silver money. The argument of the Senator from Delaware [Mr. Bayard] to-day, was based on the idea that, if we recoined silver dollars of 412½ grains of standard silver as the dollar coin, when in circulation, will not be equal in value to the gold dollar now in circulation. As the Senator from Delaware [Mr. Bayard] in his exhaustive treatment of this subject assumes that the effect of legislation in this place will be that a silver dollar, as an instrument of value and instrument of exchange, will be equal to a gold dollar.

As to me if the silver dollar of 412½ grains will be equal in this country to the gold dollar of 25.8 grains, either from the fact that the coinage of silver, or from the fact that it has the legal-tender quality of silver, or by other fact, then the argument of the Senator from Delaware, as to the effect on the credit, will fail. And, in order to make the argument stronger, he asked the question whether or not there was any place in the world now where 412½ grains of standard

silver were equal to 25.8 grains of standard gold. I can point him to a place where a less number of grains of silver, namely 400 grains of standard silver are equivalent to 25.8 grains of standard gold. That place is the Bank of France, which, it is said, holds in its vaults to-day more than \$300,000,000 of gold and a little less than \$200,000,000 of silver. You take a note of the Bank of France to that bank, and you receive for it, as you desire, either gold or silver, or both, with a relative value of 15½ of one to 1 of the other, whereas the standard that we propose is a standard equal to 16 to 1. So you may go to Germany to-day and you will find if you take a two-thaler piece to the German government that they will give you in gold its equivalent at the rate of 15½ to 1. So that there is something more in this question than the mere question of the commercial value of gold as compared with silver in the markets of the world, which means simply the bullion price of silver in the London market.

Now, Mr. President, it seems to me there has been great confusion with reference to this matter of our coinage. I admit it is a delicate and difficult question and should only be changed or touched after full debate and upon the strongest considerations of public necessity. For myself I would not by any act of this Congress so regulate the value of money as that in this country a dollar in silver would be less than a dollar in gold as an instrument of exchange or measure of value. If I understood the Senator from Delaware correctly, he is in favor of the remonetization of silver in some form. He surely is not in favor of such remonetization as will compel the people of this country to take a debased dollar in silver; he, I am sure, will be in favor of such remonetization as will place these two metals in this country practically at par with each other upon some relative basis, and which will insure the circulation of both and make them interchangeable so far as legislation can effect this object.

Now, with reference to the question of the obligation of the government to pay the present indebtedness either in gold or silver, I think that depends not so much upon what may be the currency of the country to-day as what will be the money of the country when these obligations are payable. But in the meantime we are compelled to pay semi-annually the interest upon these obligations, and the money in which this interest is paid should be the money contemplated by the contract under which the bonds were issued.

If we look back to the history of the coinage of this country, we shall find that the silver dollar was in existence when the Constitution was framed. It was at that time the unit of money and the sole measure of value. By the law of 1786, 375.64 grains of fine silver constituted the dollar and the money unit of the United States. That was prior to the adoption of the Constitution. Eagles and half-eagles were authorized by the same act to be coined. After the adoption of the Constitution in 1792, the Congress of the United States changed this coinage, but it did not change the unit of value or the money of account; and I assert, without fear of successful contradiction, that up to 1873, so far as the law was concerned, the silver dollar of  $371\frac{1}{4}$  grains of pure silver was the unit of value in this country and the legal money of account, and it was only changed by the law of the 12th of February, 1873, when the gold dollar of 25.8 grains was made the unit of value and the money of account, and the further coinage of the old silver dollar was prohibited.

Therefore, every bond issued prior to that time was issued upon the basis of the money unit of the silver dollar. While nominally we had, it is true, a double standard—that is, gold and silver were both a legal tender—yet the silver dollar was the money of account and the unit of value, and those who purchased our bonds could not have contemplated at any time

that silver was to be no longer a part of the money of this country.

It is said that it was not a part of the money of this country when the act of 1873 was passed, because during the period from 1861 to 1873 it did not form a part of the metallic currency of the country. Why did it not? By the act of 1792 we fixed the relation of silver to gold as 15 to 1. We overvalued silver and undervalued gold. It is true these two metals circulated side by side in this country for some time afterward, I believe until 1820; but the chief circulation was silver, not only silver dollars of our own coinage, but Mexican dollars and Spanish dollars; so that silver constituted the principal coin circulation of the country up to about 1820. When the government of Great Britain established the single gold standard, then the gold gradually left this country until 1832, when, according to the report of the Director of the Mint made in that year (which I have before me, but which I will not stop to read) there was estimated to be \$30,000,000 of silver coin in this country and only about \$500,000 of gold coin. Yet the Senator from Delaware tells us that there never has been an instance where our bonds were paid in silver. Can it be possible that the great debt which was created by the necessities of the war with Great Britain in 1812, and which was liquidated between that time and 1835, was not paid in silver, or upon the basis of silver valuation, because in 1830, 1831, 1832, and 1833, gold as compared with silver in this country was at a premium ranging from three to ten per cent.? Silver was the money of account; all transactions were based upon silver; all the government transactions as well as individual transactions were conducted in that money. The very fact that gold was not the money of account was the reason why in 1834, when the coinage was changed, the gold dollar was reduced in value, instead of advancing the value of the silver dollar;  $371\frac{1}{4}$

grains of pure silver constituted the dollar of account and the unit of value. It was argued by the men who discussed the question in that day that it would not do to debase the coinage by reducing the value of the unit, and therefore they changed the gold dollar, so that it was worth  $6\frac{1}{2}$  per cent. less than it was before that law was passed. In other words, all the debts of this country were scaled down by the law of 1834 to the extent of  $6\frac{1}{2}$  per cent. if they were to be paid in the new gold coins authorized by the act of 1834, which changed the relation of 15 to 1, to 16 to 1.

What was the effect of thus reducing the value of the gold dollar? The effect of it of course was to drive silver out of the country, but silver still continued to be the money unit by law. The silver went out of the country gradually until 1849, when it had so passed from circulation that Congress found it necessary to, for the first time, authorize the coinage of a gold dollar. It is true, as stated by the Senator from Delaware, that Alexander Hamilton in his report upon the Mint in 1791, recommended that the unit of value should be based upon both metals; but Congress did not adopt his recommendation. He recommended that the unit should be based upon both metals, and therefore recommended the coinage of a gold dollar and a silver dollar as well; but when Congress passed the Mint act of 1792 they omitted the recommendation of Mr. Hamilton, and continued the unit of value upon the silver dollar established in 1786, reducing the number of fine grains of silver from 375.64 to  $371\frac{1}{4}$  grains.

In 1849 the coinage of a gold dollar was authorized, but that coinage was not made the unit of value, nor was gold coin made the money of account by law. Then again in 1853 this gold dollar was found not to be sufficient to supply the wants of the people in the way of small currency, and it became necessary for Congress to debase the fractional silver coins

in order to keep them in circulation. The law of 1853 was passed for that reason; and from that time forward our debased silver coin continued in circulation, and the silver dollar, being undervalued, was not coined at the Mint, because the holders of silver bullion could make a profit by exporting to countries where silver was more highly valued as compared with gold; but by law the silver dollar remained the unit of value and a full legal tender until the act of February 12, 1873, made the gold dollar the unit of value. Of course, the practice of the country was to estimate all values upon gold coin before 1860 and after 1850, because that became, owing to its overvaluation, the chief metallic currency of the country.

Therefore, I take it for granted that, so far as the law is concerned, the purchasers of our bonds must have understood that both gold and silver constituted the coin of this country. They not only understood it from the law itself, but from the statements and representations of the men who at the time negotiated these loans on behalf of the government. I have here a report made by Mr. Chase, then Secretary of the Treasury, on the 1st of December 1862, in which he discusses at some length a paper money, and then says:

The Secretary recommends, therefore, no mere paper-money scheme, but, on the contrary, a series of measures looking to a safe and gradual return to *gold and silver* as the only permanent basis, standard, and measure of values recognized by the Constitution, between which and an irredeemable paper currency, as he believes, the choice is now to be made.

Therefore, the Secretary of the Treasury, in his annual report, after a large loan had been negotiated by him in 1862, under the act of February 25, 1862, states that the money of this country must be the constitutional money of the Nation, namely, gold and silver.

But the people abroad who purchased our bonds labored under no mistake with reference to the laws of this country. In 1867 there was an international monetary conference in France, at which conference the United States was rep-

resented under the authority of the Secretary of State. The American delegate in that conference undertook to make the assembled delegates from the nations of the earth believe that in this country we had but a single standard. I read from the report of Samuel B. Ruggles, made to Secretary Seward:

Mr. Ruggles excused himself from voting because he does not understand the question. The United States would not consent to accept any fixed relation between gold and silver. The double standard is abolished when this relation no longer exists.

The president of that conference reminded Mr. Ruggles that the double standard still exists in the United States, and of course the relation between gold and silver, which is 1 to 16.

There were representatives from all or nearly all of the civilized nations of the world assembled in the city of Paris with a view of establishing an international money, and with a view of having a uniformity of money, at which the president of that conference reminded the American delegate that we had in this country a double standard—silver and gold—and that the relation fixed was 16 to 1.

Can it be claimed, then, that the purchasers of our bonds from 1860 to 1873, if you please, were ignorant of the character of our legislation with reference to the coin of our country? The chief purchasers of our bonds between 1861 and 1873 were Holland, Germany, and France, and in each and all of these countries the single silver standard existed, or the double standard of silver and gold. Germany, by the conference of 1857, established a single standard of silver. They never changed that standard in the slightest degree until 1871. Therefore, when Germany became the purchaser of our United States bonds, Germany had a sole silver standard, and knew nothing, so far as the money of account was concerned, of gold at all. France had the double standard and Holland had the single standard of silver. Surely, then, it cannot be claimed for a single moment, it seems to me, that because of the undervaluation of silver, because at that time it was worth more than gold, our statute laws did not con-

template as the coins of this country both silver and gold, and the established relation by the law of 1834 of 16 to 1.

As I said before, the whole argument of the Senators who oppose this resolution is based upon the idea that  $4\frac{1}{2}$  grains of silver will not be worth as much as 25.8 grains of gold. That will depend upon the legislation hereafter to take place. Who is there that doubts for a moment but that if we limit carefully the amount of the coinage of silver that coinage will be at par with gold? I need not go back into the musty past for the proof of this statement. I have here before me the report of the Secretary of the Treasury for this year, in which he recommends that the limit of \$50,000,000 shall be taken off the present debased silver coinage of this country. Now only \$50,000,000 of the present debased coin, half dollars, and so forth, can be coined. He says that the limit should be taken off. Why?

It is submitted that the limitation upon the amount of such fractional coin to be issued in exchange for United States notes should be repealed. This coin is readily taken, is in great favor with the people, its issue is profitable to the Government, and experience has shown that there is no difficulty in maintaining it at par with United States notes.

I heard the Senator from Vermont (Mr. Morrill) the other day say that we proposed here to establish a coinage which would be worth five per cent. less than the present greenbacks; yet here is the report of the Secretary of the Treasury which tells us that a coinage debased 26.7 grains to the dollar, as compared with the proposed coinage, passes now at par with greenbacks; and he wishes the limit removed in order that the people of this country may have more of this debased circulation.

He argues—

Great Britain with a population of thirty-two millions, maintains an inferior fractional coin to the amount of \$92,463,500 at par with gold, and other nations maintain a much larger *per capita* amount.

Am I to understand, in answer to this, that it is because this is fractional currency that we can maintain it at par in coin; that these are

dollars or parts of a dollar, and there-  
in maintain this circulation? My  
that these dollars, to a very large ex-  
perform the same function and office.  
our statute laws and what do you  
find that there is an absolute pro-  
on State banking.

an absolute prohibition in our na-  
king law against the circulation of  
er five dollars after specie payments  
summed; and there is in the law, with  
to the United States notes, a provi-  
he Secretary of the Treasury may is-  
States notes in such denominations  
choose. Therefore, if we have a  
of the Treasury who is in favor of  
ing from circulation one and two dol-  
States notes, we shall be, in this  
placed in a position where we can  
money for the transaction of small  
ler five dollars, unless that money be  
the dollar gold coins, on account of  
cannot be brought into circulation.  
ere that does not believe under that  
can circulate from one hundred to  
ed and fifty millions of silver dollars  
ain them at par with whatever may  
coin in this country, or the standard

d amount of silver can surely main-  
at par with gold coin, as it does main-  
at par with gold coin to-day in  
Belgium, in Holland, and in the  
ds. Seventy-two millions of people  
rt of Europe to-day, busy, active, en-  
ople, make no distinction in their  
ransactions between silver and gold.  
qually received as legal tender; they  
ut by the great banks on the ratio of  
and not 16 to 1, as proposed by the

ie, then, that Senators who say we  
stablish a debased coinage, simply be-  
some way, we propose hereafter to

coin a silver dollar, are assuming a material  
element in the problem not yet shown to be  
true. They are assuming that we intend, by  
our future legislation, to coin such a dollar as  
will be of less value than the gold dollar. As I  
said before, that depends upon so many ques-  
tions to be settled in the future, that an argu-  
ment cannot be based upon it. For myself, I  
am in favor of limiting the amount of the silver  
coinage in this country for the time being; and  
the bill which is now on your table, Mr. Presi-  
dent, with reference to silver, proposes to limit  
the coinage of silver to \$2,000,000 as the mini-  
mum and to \$4,000,000 as the maximum per  
month, so that the extent of the coinage, as-  
suming that the maximum will be coined, could  
not exceed \$50,000,000 per annum, and most  
probably will not exceed \$30,000,000 per an-  
num, and, in the mean time, I hope we can se-  
cure an agreement of nations which will justify  
a free coinage of both metals at such fixed re-  
lations with each other as will make them in-  
terchangeable without premium or discount,  
through the medium of a monetary conference  
of nations.

I listened with interest to the statement made  
by the Senator from Alabama [Mr. Morgan]  
upon this very point the other day. He said  
that silver was especially the favorite money of  
the colored race in the South. Who does not  
believe that if it is made a legal tender, or rath-  
er if silver dollars are coined, these colored peo-  
ple, like the people of China and the East In-  
dies, will hoard this money in considerable  
sums, so that we shall be able to go on coining  
at the rate of \$30,000,000 per annum for many  
years to come, without disturbing the relative  
value between silver and gold?

But what has been necessary in order to re-  
duce the price of silver? Great Britain circu-  
lates, as the Secretary of the Treasury reports  
here, \$93,000,000 of silver. In order to keep  
that in circulation it debased it seven per cent.  
and a fraction below the ordinary gold coinage.

So Germany, by her coinage act of 1873, in order to keep silver in circulation in that country, authorized a debased silver coin to the extent of nearly \$100,000,000.

So it seems that, although silver is temporarily reduced in price, all the nations in the world have found it necessary in the past to debase their silver below the ratio of  $15\frac{1}{2}$  to 1 in order to keep it in circulation at all.

It is not my purpose to enter into a discussion of the main question with reference to the remonetization of silver, but I believe, (and it is only a belief stated upon the best examination that I can make,) that with a bill for the remonetization of silver, with proper limitations and conditions, it can be maintained at par with gold coin at the ratio of 16 to 1 as now proposed. And if the Latin Union (so called) will unite with us in favor of the double standard, for a series of years, I believe we can maintain silver at the ratio of  $15\frac{1}{2}$  to 1.

This brings me, Mr. President, to a consideration of the language of the law of 1870, wherein it is stated that these bonds must be paid in "coin of the present standard value." What did that mean? That language was not put in there without a purpose, because that was a carefully prepared law. It was inserted there because, for two or three years before, in this Chamber, there was an agitation favoring the reduction of the gold dollar so as to assimilate it to the five-franc piece. This Paris monetary conference, which Mr. Ruggles attended, recommended an international monetary unit of gold of a value which should be equal to the five-franc piece containing twenty-five grams of standard silver. Mr. Ruggles came home from that conference and made a lengthy report to the Secretary of State upon the subject, and he enlisted the then chairman of the Committee on Finance in the Senate and now the Secretary of the Treasury, Mr. Sherman, who brought in a bill here, which will be found on the files, proposing an actual reduction of the gold dollar  $3\frac{1}{2}$  per cent.

The now Secretary of the Treasury, the then chairman of the Committee on Finance, urged upon the Senate in an able report in 1868-'69 that the gold dollar should be thus reduced in order to assimilate it to the monetary system of France. The then Senator from New York, Governor Morgan, also a member of the Committee on Finance at the time, introduced a minority report, in which he opposed any change of our system of coinage. That bill was pressed here session after session and year after year by the chairman of the Committee on Finance, and in the debates and in his report he undertook to draw a distinction between the relations of private debtors and creditors and the relations of government creditors and the government. He undertook to exempt from the operation of his law the government bonds of the United States, but at the same time, by the very provisions of his bill, he was scaling down all the other creditors of this country to the extent of  $3\frac{1}{2}$  per cent., as our legislation in 1834 scaled down all debts to be paid in gold, corporate and private,  $6\frac{1}{2}$  per cent. Yet Mr. Sherman wanted to exempt the government from the operation of this debasing or reducing the value of the gold coin. He wished to exempt all Government obligations, if I remember the bill rightly; I have not looked at it for some weeks. I am very sure that his report made that recommendation.

When the refunding act of 1870 came to be passed, the then chairman of the Committee on Finance, the House of Representatives and the Senate concurring, thought it was necessary to incorporate in that law a provision whereby, if any future change should take place in our monetary laws, either assimilating the gold dollar to the pound sterling or to the five-franc piece, in that event the bonds of the United States should be exempted from the provisions of the law. Therefore it was that that provision did mean and cannot be tortured to mean anything else in legal contemplation than



that all the bonds issued under that act should either be paid in dollars or  $412\frac{1}{2}$  grains of standard silver or 25.8 grains of standard gold. In other words, we guaranteed to the creditor that no fluctuations or changes in the value of money as compared with commodities should affect the value of these bonds, but that we should pay them in this money or in the equivalent of this money.

Of course what was said by the Senator from Georgia [Mr. Hill] is absolutely true: that the power of this nation to control its coinage is absolute through Congress. We can make gold, as I believe, the only coin, or the principal coin, of our country; we can make it the unit of value, or we can change the unit of value as we did in 1873 to gold, back again from gold to silver, and place it where it stood from 1786 to 1873, making the unit of value the silver dollar. But if we do that we shall not assimilate our silver coin to that of France and reduce the number of grains of fine silver in a dollar so far as these bonds are concerned, but if we make the silver the only metal coined in this country we shall give them of standard silver  $412\frac{1}{2}$  grains to the dollar; or, if we continue the gold dollar as the unit of value, they shall have 25.8 grains of standard gold to represent a dollar.

It seems to me there is no law that is plainer than this. In order to attempt to predict what will be the future value of silver in this country and other countries, we must enter into a discussion of the causes which led to the decline of silver. The same causes operating in the converse direction will undoubtedly have the effect to increase the value of silver. I do not wish to express any judgment of my own upon that question, and will only express the judgment of one or two of the most eminent men who have discussed this subject. Walter Bagehot, a writer of eminence in England, gave his testimony on this subject before the House of Commons committee on the depreciation of

silver, and he undertook to say, in answer to a question propounded by one of the members, that if the Latin Union, so called, would resume the free coinage of silver it would fall back again to its old price or nearly so; or rather he puts it in another form and says, if the Latin Union had not discontinued the coinage of silver, silver would not have fallen. Therefore, in the judgment of one of the most eminent men who have studied this question, the re-opening of the mints of France, Belgium, Holland, and Italy to the free coinage of silver will have the effect to restore silver to its former position and value or nearly so. Now, if we add the United States, with a population of forty-five millions with an active and energetic people, scattered over half a continent, is it not fairly to be presumed that the action of this government will be a fair offset to the action of Germany?

In other words, if we restore silver shall we not practically place in circulation and in use an equivalent of the amount of silver demonetized by the action of the German government? It must be remembered that for twenty-seven years we have not absorbed at our mints silver to any considerable extent. We undervalued it and drove it from circulation, and then banished both gold and silver by the use of legal-tender paper. It will not do to assume that the remonetization of silver with the old relation under proper restrictions and limitations will not have the effect to make silver equal to gold coin. It is claimed by many who understand this question better than I do that gold has risen in price as well as silver has fallen. That seems to be quite natural, because the value of silver and gold does not depend, as was said, I believe, by the Senator from Delaware, wholly upon the cost of production; it depends upon the supply and demand as well. Who does not know that if gold was demonetized by all the nations it would fall in price as compared with commodities? Who does not know that if all

the nations demonetized silver it would fall in price still more? Therefore the value of these two metals as money depends upon their use as money. If all the nations use both gold and silver, they will have an increased value. If all the nations discard one metal and not the other, the discarded metal will be reduced in value, because it could not be used except for the purposes of the arts.

In arguing this question those who have argued it thus far assume as a part of the argument that the proposition to come hereafter is to debase the silver coinage below the gold coinage of the country. That is a mere assumption, and, therefore, I regret exceedingly for myself that the Senator from Ohio has introduced this proposition in advance of the main proposition, which is the remonetization of silver, in order that we might see after that bill is perfected and passed, the character of its provisions, the extent to which we propose to use silver; and then we could better judge whether one-half the Senate or one-half the people of this country are in favor of repudiat-

ing the sacred obligations of the government. I represent a State which is as loyal to the credit of this Nation as any State in the Union. We intend, so far as I know and can speak for the temper of the people, that the obligations of this government shall be fulfilled in their letter and in their spirit; that there shall be no repudiation, partially or wholly, but that whatever we have agreed to do, we will do, according to the letter of the law and according to the spirit of the law. Therefore, it will not do to say that one section of this country, by proposing simply a remonetization of silver in a modified form, is proposing to violate the sacred obligations of this government. I believe that the people of Iowa will guard as safely and as well the credit of this Nation with reference to its finances, and a reference to all other questions, as will the people of any other State, and as I understand their purpose and spirit thus to be I will endeavor, so far as I can by my votes upon all financial questions that may come before us for consideration and action, to represent these views with fidelity.







THOMAS F. BAYARD.

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## THOMAS F. BAYARD.

THOMAS F. BAYARD was born in Wilmington, Delaware, October 29, 1828, and is now years of age. He received a e education, attending principally Flushing School," founded by S. Hawks. His father was an lawyer, and served two terms in ted States Senate, where for a of years he was chairman of the y Committee. Thomas F. was l with a view to engaging in ile business. That, however, did his taste, and he devoted himself udy of law, and in the year 1851 mitted to practice at the bar. ie exception of two years, 1855 which were spent in Philadel- life has been spent in his native le won a fine reputation as a law- l was appointed United States Attorney for his State in 1853, gned the following year. In was chosen to succeed his father United States Senate, and has re- a member of that body, having -elected in 1875, and again in His present term expires in 1887.

Among the prominent committees on which he has served are those on Finance, Private Land Claims, and Engrossed Bills. He was a member of the committee on "Alleged Frauds in Mississippi, in 1876," and during the same year he served as a member of the Electoral Commission. When the national Democratic convention met in St. Louis in 1876, Mr. Bayard was a prominent candidate for the Presidential nomination. And when the convention of the same party met in Cincinnati in 1880, he was again a candidate, but, hailing from such an uninfluential State, he had but little chance for success. On the 10th of October, 1881, he was elected President *pro tem* of the Senate. He only held this post of honor for three days, as Senator Davis, of Illinois, was elected to succeed him on the 14th of the same month.

Mr. Bayard stands very high in the estimation of both his party friends and opponents, and his views and opinions upon the great questions of national concern carry as much weight with them as do those of any other of the members of Congress.

## PAYMENT OF GOVERNMENT BONDS IN COIN.

*Mr. Bayard's Speech, delivered in the United States Senate, Dec. 13, 1877.*

MR. PRESIDENT: It seems to me that no more severe or bitter commentary upon the outcome of management of the finances of this nation for the past twelve years could be made, than is contained in the preamble and resolution upon which we are now asked to vote; a severe commentary, indeed, upon the management of that party which, having complete control of every branch of the Federal government, yet now, in view of all their legislation for the past sixteen years, sends in, as a reconnoitering advance, this resolution, embodying, as it does, the ominous and alarming question, whether a certain proposed act of Congress, of which this resolution is the harbinger, and which has already been resolved upon elsewhere, and lies printed on our table, ready to follow on the heels of this discussion, is, or is not, an act of national dishonor, or, to use the precise words of the resolution, whether it is not "in violation of the public faith," or "in derogation of the rights of the public creditor."

Sir, the very propounding of such a question is astonishing, and exhibits at least a doubt in the minds of its proponents of the propriety and justice of the measure referred to. This resolution belongs to a declaratory class of acts. Declaratory legislation is never to be favored, and is to be regarded as rather vicious in its character, in that it tends to trench upon the prerogative of the judicial branch, for, while the legislative branch have the power to use what words they please in framing an act, it is not their duty to pass upon the meaning of that which they have framed. That is the duty and prerogative of a distinct and independent branch of the government, which may not be invaded.

But this resolution, being of a declaratory nature, is more remarkable in this, that it proposes to expound an act which is not yet in existence, and in that respect is without precedent to my knowledge.

Mr. President, I have referred to the character of legislation for the last sixteen years. Of nine years of that legislation, I can speak, because I have not only been a member of this body during that period, but I have been also assigned by the action of the majority to duty upon the Committee on Finance. I have seldom found myself in concurrence with the action of the majority respecting their treatment of public finance. In 1869, when the "act to strengthen the public credit" was proposed, I opposed it, because I regarded it as little better than a scheme to puff into higher prices the bonds of the United States, without taking any practical step for what the best interests of the country so sorely needed—a speedy and honest resumption of specie payments. At the time I took this position, my course was severely commented upon by the supporters of the act, who sought to impugn the motives of any one opposed to their pet scheme; but subsequent events have served to prove the correctness of my position, and to strengthen the opinions then formed of the measure.

So in 1870, at the time the funding bill was before Congress, I regarded that as a measure mainly in the interest of those who held the bond, and even unwise in that respect. Here on this floor I vainly endeavored to procure from the majority of the Senate a recognition of the fact that, if we could but bring the currency of the country to a par value with coin, that being

tion and substructure of our credit, of that credit necessarily would be security and beyond the possibility of doubt.

At that time I asked that the money of the lie yard-stick and the measure of right have some little respect paid to it; currency which was compelled to be the people in every condition of life in this country, should be respected, and on should be paid to it; and well do I know when, in aid of my poor utterances I of Daniel Webster and cited to the honest and burning words in denunciation of false and unsound paper currency, I was upbraid by the then chairman of the House on Finance, the present Secretary of the Treasury, who told me that Mr. Webster's law was applied only to State bank issues, having nothing to do with the issues of the United States. I then told him that the law was applied to all irredeemable paper convertible at the will of the holder into money. It was such money that Mr. Webster declared to be the most successful in fertilizing the rich man's field by the sweat of the poor man's brow; and yet my suggestions made, as almost all my suggestions made here, in vain.

President, history will yet record the creditable fact that, with a people emerging from an exhausting and terrible struggle, who had charge of their finances were not so folly—I will not call it by a harsher name of those blunders worse than a crime, the credit, unnecessary prepayment of a debt at prices far above that which it was worth for. Men will stand, I say, in wonder at the fact that upward of \$500,000,000 of currency was sold out of the Treasury of the United States in these last nine years, to pay for currency not due, not demanded, and which had been sold above their value by a class of legislators who had no other effect.

And, while those obligations not due were thus sought to be prepaid at a rate high above their face value, the demand notes of the Treasury, the currency of the country, the money of the people, the measure of value in their daily contracts, was dishonored year after year, and no provision whatever made for their just payment.

Such, sir, has been, in my judgment, the unwise wisdom of legislation in the past nine years. It has been this unwise financial course that has made such a resolution as this possible. Here we are asked whether a law proposed, overshadowing us already, is or is not an act of national dishonor. Upon that I shall give my vote and opinion.

But, sir, if unwise administration has brought the country to such a pass and to its present lamentable condition, when measures are proposed of which even the advocates question their honesty, and require the confirmation of the Senate before they are to be voted on, what then? Only so much more does the country need those who do value her credit and seek to maintain it, damaged as it has been, to come together and stand fast for its faithful and honest maintenance; and so I propose to the best of my ability to do, regardless of those errors which I have striven to prevent, regardless of the unwise wisdom against which my voice has been raised in vain. I do not propose to make the past errors or wrongs of others any reason for my failure, in the face of present events, to do that which I believe is demanded from me for the best interests of my people and my country.

Mr. President, any act that weakens the credit of the nation adds just so much to the burden of the laboring men, and takes away just so much from the just rewards of labor. On the score of cold economy, a weakening of public credit is the most wasteful of conceivable proceedings. A man's good name is his chief possession, and our law gives remedies, and awards recompense to every citizen who is damnified by slander or by libel. But a nation has no such

remedy, and its sole defense must be found in the jealous care of its citizens of its public honor and credit.

Now, let it be noted that, by the terms of the act of 1870, known as the funding bill, the bonds therein authorized, to the amount of \$1,500,000,000, were made expressly payable "in coin," principal and interest, not designating gold or silver coin, but including them both. Why were not the metals nominated, or one of them designated? Because, by the regulation of the Government the laws relating to coinage, the two metals, the two units of value, the silver and the gold dollar, were equivalents, or as nearly so as human statutes could make them, and were intended to be maintained at an equal relative value so long as both of them should be used. The intent of the law, well understood by all parties to the contract, was to pay the debt for which these bonds were issued, in gold coin or its equivalent in silver, or in silver coin or its equivalent in gold. The government that borrowed this money and issued these bonds had the power and the duty so to regulate the value of its silver unit of value and gold unit of value as to make them equivalents. No advantage was slyly contemplated, but all was open and clear in the sunlight of honest contract; and when the government in 1873 dropped the silver dollar out of its list of authorized coins, it preserved for its creditor the equivalent in gold as it had agreed to do. This was the bargain; this was the intent. There was no advantage contemplated either way. The government was dealing in equivalents. It did not intend that any derangement of the relative values of the two should inure to the gain or the loss of either party to the bargain.

The preamble before us recites the laws up to 1875 relating to the issue of these bonds; but it is incomplete. It is not true historically. More is needed to complete this history. The preamble with its many recitals still fails to recognize an act of Congress quite as formal, just as

constitutional, just as binding as any which are therein mentioned; and that is the act of February, 1873; and therefore I submit to the honorable Senator, the mover of this resolution, that to make his recitals complete the following or its substance should be included:

And whereas, from and after the act of Congress of 1834 and until February 12, 1873, the silver dollar of 412½ grains of standard value having been found to have a greater intrinsic value in public market than the gold dollar of 25.8 grains, silver bullion ceased to be brought to the mints for coinage, and silver dollars already coined could not be retained in circulation; and whereas, the silver dollar of 412½ grains having been practically obsolete, the government of the United States by act of Congress passed on the 12th of February, 1873, and duly approved by the President, abolished from its coinage the silver dollar of 412½ grains as a unit of value, so that for nearly five years the same has ceased to exist.

Is not that true? Is there any man within the sound of my voice who questions the accuracy of that historical statement? No, sir; no one will question it. It is simply and precisely the truth, and is a part of the history which the honorable Senator's resolution and preamble has excluded.

Now, sir, let us not forget that this is not a case and we are not sitting in judgment upon the sharp bargain of two stock brokers with their rights of "option" and of "call," and other phrases of their trade; nor is it yet a case of contract between two citizens, but it is a case in which a great government is dealing with a transaction in which its own law-making power is to control its own case, for it cannot be denied that, unless the existing laws of the land are to be altered, the object of this resolution, and the law it foreshadows, will fail. That is to say, we are considering a contract in which one of the parties must alter the law in order to succeed in obtaining a construction in its own behalf.

Sir, I would ask, as throwing light upon this subject, what relations does the government of the United States bear toward its coinage? The Constitution of the United States, which is the supreme law of the land, bestows upon Congress



the sole and sovereign power "to coin money, and regulate the value thereof." It expressly prohibits the several States from the exercise of such power. Section 10 of article 1:

no State shall coin money.

Section 8 of article 1:

The Congress shall have power to coin money, and regulate the value thereof.

And here let it be observed the words are collective. It is not "to coin" alone, but when coined you shall "regulate." Coinage *and* regulation are directed in the same breath. The power to do one includes the power to do the other, by the force of the phrase in which the power is conveyed, and when Congress shall "coin," it *must* also "regulate." None but a *regulated coinage* is authorized.

The inferior metals, such as copper or nickel, are placed only in the hands of the government to coin for its own account and profit, and added to them such portions of one of the superior or precious metals as being debased, shall render it only subsidiary coin; and upon all such coins coined by the government for its own profit, there is a limitation upon their debt-paying power; and this has been the history of our government from its earliest date, for the reason that such coins do not profess to have their full intrinsic value, but are used only as tokens of exchange, provided by the government for the minor dealings and convenience of its citizens. But the precious metals, gold and silver, are not so treated. The mintage and striking of such coin, and the certification of its weight and fineness, are done at cost price by the government at the instance, and for the private use of the individual owners of the bullion, and this is the history of our government from its beginning. Let it not be forgotten, it is not its own gold or silver which the government coins; it is the property of its citizens that it converts into coin. What, then, is the sole constitutional function of the government? "To coin money and regulate its value." What is meant by

"regulate" and "regulation"? Refer to the lexicographers for this. Take one, the king of them all, who, unaided, gave to his native language a dictionary more full and complete than a college of French *savants* could do for theirs. Take the dictionary of Samuel Johnson, in existence, and an authority at the time the Constitution was adopted: "Regulate;" "To adjust by rule or method."

Take Worcester, of our own day and country: "Regulate;" "To adjust by rule or method." Take Webster: "To adjust by rule." And so on.

Then, what was intended to be done when this sovereign power of coinage and regulation was given to the government of the United States? I ask Senators, was it not to adjust the relative values of these two metals according to the fact and truth? Did not the power and the duty to regulate mean, that you were to ascertain the real equivalency between the two precious metals, and make a legal declaration thereof? Did it not mean that you were to go into the markets of the world, and carefully discover what just relative proportion the value of silver bore to that of gold, and, when you have by the best tests discovered the true and actual value of each metal, to "regulate" your coin accordingly, and thus bring about the equipoise of justice between the two, by deciding what certain proportion of one should be paid for a certain proportion of the other? Such was the intent and the object. It was a power not given for a day, but it was given to be exercised by the government of the United States from time to time, and so long as the two metals were standards of value, and remained to be regulated according to their true and actual relative values.

Silver to-day is worth in the markets of the world  $17\frac{3}{4}$  parts to one of gold. By the coinage law of 1834, which it is proposed now to re-enact, the ratio was declared to be 15.98, or practically 16 parts of silver to one of gold.

What is now proposed is, that Congress shall enact a law in this year of grace 1877, which, under the pretext of regulating the value of the two metals when coined, shall falsify their true proportionate value. I ask any man within the sound of my voice, is any piece of silver containing  $412\frac{1}{2}$  grains, United States standard, worth anywhere in the world 25.8 grains of gold of the United States standard value? No man will venture to say so. Now I will ask, does the power to "coin and regulate the value," mean the power to "coin and falsify"? Has Congress the right—I do not say the power, although those who realize the sanctity of the trust of power, will believe that right must always enter into its exercise—has Congress the right to make this false declaration, and stamp it upon metal, that the lie may be the better preserved? I ask Senators, would we do this thing for one class of our citizens, as against the interest of other classes? Two men come to the mint, each an honest miner and producer of one of these two metals. A brings his gold bullion to the mint, B brings his silver bullion to the mint. What do they ask? That the true weight and fineness, and the relative value of the two shall be truly ascertained and stamped upon coin.

Can you tell me it is just and right that the coined money of gold shall be handed back to its owner at its true value, minus the cost of minting, and that the silver coin shall be handed back to its owner, increased in value 10 per cent., minus the cost of minting? What would be thought of the proposition coming from two citizens, to a minting establishment with power over the property of each? Would it not be a shameless demand, that one man's property by the process of minting shall be advanced 10 per cent. in value, and the other advanced nothing in value? Does not the proposition answer itself? Can we treat these two holders of the metals differently, and with an unequal measure of justice—can this government which we love, and want all men to respect—in its own con-

tracts, use its own law-making power to produce an advantage in its own favor which it would refuse to one of its two citizens? I say, that neither the government of the United States, nor any other sovereignty can do this without dishonor and discredit; and the loss to it and its people from such an act of gross injustice and iniquity, is too great to be contemplated.

Government means the honest execution of the great trust of public power; and when by our form of government it was sought "to secure the blessings of liberty" for our forefathers and their posterity, it meant liberty in the harness of the law, and it meant law founded upon morals and justice. When the sovereign power of coining the money of a people, and regulating its values comes to be exercised, it is intended to secure fair dealing and honesty between man and man. If, as I say, I take my gold bullion to the mint, and receive gold coin, and you take silver bullion and receive silver coin, can that law be just, which, by the process of coinage, and under pretense of regulation, shall change the actual and admitted relative market value of these two metals in favor of one of us? If the owner of silver bullion can take it to the mint, and demand that by the process of coinage it shall be advanced 10 per cent., why may not the owner of the gold bullion demand the same? How can we in the name of regulation, which means just regulation, and the establishment of an equivalency, take from one of these metals the value that belongs to it, or give a fictitious value to another which it does not possess?

Let me ask the advocates of this resolution, if Congress should declare by law, that silver should be equal to gold, ounce for ounce, would that be justice; would that be a regulation of values, or would it not be to their entire confusion and derangement? Yet I say to you that, knowing that  $412\frac{1}{2}$  grains of silver are worth to-day in any market in the world but ninety cents in gold, it is but a question of degree, and not of

principle, whether you shall not stamp, coin, and declare thereby that  $412\frac{1}{2}$  grains of silver are equal to 25.8 grains of gold,

It is but a question of degree, and not a difference in principle; and then, I repeat, can you demand that a piece of coined silver worth but ninety cents, shall be taken as the equivalent of a piece of coined gold worth a hundred cents? You undervalue one coin deliberately; you do not certify the truth as to its value, but you stamp upon it that which you know at the time is false. You cannot term such action regulation. Is this an execution of the power in its honest intent and meaning "to coin money and to regulate the value thereof"? When by law, the value of gold and silver coin has been justly regulated, and a relative value fixed between them truly, they are then equivalents, and a man having a debt to pay, can select to pay in either; but if the ratio of value between them is false, and they are not in fact equivalents, then a great wrong is done to the man who is compelled to accept payment in the inferior. To regulate the value of gold and silver coin to-day, to state truly their relative values, and to establish by law, the just and honest proportionate value between them, we should be obliged to put over 440 grains of standard silver in a dollar to render it actually the equivalent of a gold dollar of 25.8 grains standard. The contract has been stated here to pay in either of two metals, yet but one of two metals is now retained by the law, which were the equivalent of each other, and which it was the duty of the government to maintain in equality if it meant to promote justice. The regulation of the weight and fineness of both kinds of coins was the implied and essential meaning of the law, establishing a ratio of proportionate values between them, that each should be at all times what it was intended to be; the full equivalent of the other.

Mr. President, I think I have stated this question clearly; certainly so to my own mind,

and in accordance with my convictions of right and justice. As I said, this is a great question, affecting the honor and duty of a strong, and, I hope, a proud people, and sharp dealings are out of place in considering our national credit. The credit of a nation must never die or fail; it must be perpetual, and no decision can ever be adopted that contemplates its decay. A discredited man! Who can fail to recognize his misery as he walks among his fellows, downcast and broken, bereft of that which should be "the immediate jewel of his soul;" and shall this grand confederation of republics become in the family of nations a discredited member, a pitiable object, crowned with the ashes of repudiated faith?

Now, sir, what was the situation of this country in 1873, when the dollar of silver was dropped from its list of coins? For thirteen years neither gold nor silver had been used as currency in the United States. For thirteen years, and at the time that the act of February 12, 1873, was passed, there had been, and was no prospect of resumption; no one thought of the resumption at any definite time, and as a fixed fact of gold and silver as our currency. There is one fact as to the relative values of the two metals at that day which, it seems to me, must prevent unjust comment upon the motives and character of the Congress who enacted the law by which the silver dollar of  $412\frac{1}{2}$  grains was dropped from the list of coins, and that is, that, so far from its being any advantage to the people and government of the United States to pay in silver, the silver as bullion was worth more than the silver dollar as coin, and the silver dollar was worth at that time 3 per cent. more than the gold dollar, and as a consequence could not be retained in circulation, and was exported whenever, and as fast as it was coined.

Does not that fact, admitted and known to all men, show that there could have been no sinister or dishonest object in ceasing to coin silver

dollars then? No man could look forward to what the fluctuation of silver as relating to gold would result in. It was a truth that no man brought his silver bullion to the mint for coinage; and why? Because it was worth more as bullion than as coin. It was useless to turn silver bullion into silver dollars, because it was undervalued by our coinage and regulation. Men will never pay a dollar and three cents for what they can obtain for a dollar. The gold dollar was worth three cents less than the silver dollar, and would do all the work of the silver dollar in payment of debts. Of course men will ever choose the cheaper currency to deal in; and that fact was realized which has been repeated since the earliest history of this world, and which finds expression in languages which we now call dead, of which Aristophanes sung, a truth that cannot be denied, and never will be gainsaid, that, placing two currencies in circulation, the more valuable will take its flight, and the cheaper will alone remain.

So it was that, under the coinage laws of 1834, silver being undervalued as related to gold, it took its flight and left the then cheaper metal to do the work of currency; and so in truth, there were coined prior to 1870, only some four millions of silver dollars, the unit of value. Before 1870, that is to say, from the time of the establishment of the mint of the United States, in 1792, there had been coined of silver dollars \$4,709,495, and from 1870 up to February, 1873, \$3,336,343 in addition, making a total of silver dollars, or to use the phrase of the day, "the dollar of our fathers," of \$8,045,838. I suppose they call it "the dollar of our fathers" because our fathers did not have it. It was *lucus a non lucendo*. It was a coinage for whom? For circulation? For the use of the American people? No, sir; it was a coinage for the benefit of the silversmith, for the East Indian, and for the bullion broker of Europe, for into their hands it all speedily went. I think I might safely appeal to the recollection of all within the sound of my

voice, that, unless they had gone to the mint, they never had in their hands at any time as many as ten of the dollars of our fathers. They were curiosities; they were given as pocket-pieces to children. They were really difficult to obtain, even for such purposes. Their fate was necessarily a plain one; they floated off to the uses they were best calculated for, and the bullion they contained being more than a dollar's worth, according to our gold standard, went where it would be most useful, and found its best market under the principles of free trade, which prevail at least in regard to the precious metals. For forty years, from 1834 until 1873, there was practically in this country for the purpose of circulation no silver dollars of the weight of 412½ grains standard, and for five years there has been none at all coined, because there was no law to authorize it.

Let me refer to one other fact that may throw light on this most interesting subject. Consider our total coinage of gold coins of all denominations, and the total coinage of silver of all denominations. From 1792 to 1877, there were coined at the mints of the United States \$983,159,695 in gold. During the same period there were coined of silver \$184,290,941. The proportion between those two gives less than one-fifth of silver to gold. Now, who shall say in the face of this fact, that the people of the United States during their specie-paying times ever did have a silver currency? How can it be said? We know that it is not so. Even our silver half dollars would have all been exported with the silver whole dollars, had it not been that in 1853 we arrested their flight; and how? By debasing them, by taking from them their wings. We took between 6 and 7 per cent. of the value of true silver out of our silver half dollars, and since 1853 no two half dollars have been equal to a standard whole dollar, and no four quarters to a whole. They were debased because it was found to be necessary to retain them for public convenience, and they staid

with us only because we diminished their actual value, and at the same time their debt-paying power was limited by law to \$5 in any one payment.

In 1835 this nation was in a most blessed condition, unparalleled almost in the history of civilized governments, for not only had we no public debt, but there was absolutely a surplus in the Treasury, that was divided among the States. We had no funded debt until the Mexican war came on, and then a debt, which to-day would be laughable, and considered a mere flea-bite, was created; but I say, and I challenge a denial of the fact, that, since the creation of a funded debt by authority of the United States not one cent of silver was ever paid for it, principal or interest. Who can produce a quotation of United States bonds in silver money at any time, in any market of the world?

It seems to me that, treating this whole question in the light of the facts that surround it, it is impossible to say that there ever was an actual contemplation of using the metal of silver in the liquidation of this debt, or its interest, or in the sale of the bonds, or any part of them. I am speaking now of the question to be determined by the actual facts, undeniable and undisputed, that surrounded the transaction.

But, Mr. President, the view which I have already submitted to the Senate did not rest upon any inference from facts, strong and conclusive as I hold them to be, but it rested upon a principle, which, unless it shall be shown to be unsound, goes underneath, and throughout this transaction, and must assert itself in every phase and every feature of its progress; and that principle is, that it never was contemplated at any time that this government would forsake its duty in so coining and regulating the value of these two metals that the dollar in silver should not always be the true equivalent of the dollar in gold.

I know that since 1873 some \$600,000,000 of the bonds of the United States have been sold

during which period the public law, making but one dollar in our coinage, and that 25.8 grains of gold, was on the statute-book, have passed into the hands of purchasers for value, and I may say, every purchaser paid in gold or the equivalent of gold.

Now, sir, upon the expediency or wisdom of remonetizing silver, I have said nothing, because on the bill which we are presently to have for consideration, I shall seek to express my views hereafter. As I said, I cannot contemplate, with my present light, the relinquishment of silver as one of the metals for our currency, and I hope to see it freely circulate among our people under such limitations as common prudence and a recognition of existing events all over the markets of this world shall make essential for the protection of our people.

I do hold that, in the face of events now transpiring, while the difficult and important problems of a single or a double standard of value are still being considered, we having, so far as metallic currency is concerned, been kept for seventeen years away from those council-boards where these questions have been under discussion, we are to-day in a position to avail ourselves of the experience of others, and by a tentative course of legislation, by that true statesmanship that shall cautiously await events, we can prepare our people and our country for either result that may be arrived at. We cannot expect to stand as dictators to the world, controlling this question with all the other nations with whom we are in commercial intercourse; but we have a right to exercise, in the first place, the care of our own people, and maintain a vigilant regard for their interest in their international dealings. There is no reason, and there can be no reason, why silver money, a money of value since the earliest ages of antiquity, should not reach the hand of the American people, and I hope to see it.

But let us not, in legislating with regard to that, forget that, unless our councils and our consent

are shared by other nations, we may find ourselves excluded from their trade and commerce, or placed at serious disadvantage by the adoption of a course which has not met that universal consent essential for the acceptance of any circulating medium of exchange. For, Senators, why not consider the great fact that gold and silver owe not their value to laws of men; they owe it to that mysterious assent which Providence has implanted in the human heart in all times, and which has made them valuable because the human heart universally consented to accept them as such. The great Hand that made them gave them qualities of currency superior to any other of His creations, and it was the same power that implanted in the heart of man the desire to accept and use them as such. But gold and silver owe their place in the world's acceptance by the world's consent; human statutes did not give it this place, nor can human statutes ever take it away.

The value of these metals, their use proportionately, will be arrived at by the agreement of nations on this subject. I hope that the influence of the government of the United States may be exercised in favor of the retention of silver as a money among the peoples; but that this can be done against the consent of all other civilized nations with whom we have our dealings, is to trifle with the truth and to mislead our people.

Sir, I was sent here to think on these subjects. I was sent here to give my best judgment on these subjects. It was not what the Senate might like to hear, but what my conscience taught me they ought to be told; and, if I should be found to have mistaken their interests, or not be found to have forfeited their respect, I shall not be found to have mismanaged their interests, then I shall leave them to a man in my place who may serve them more successfully, but not with a more single heart.







JOSEPH E. McDONALD.



## JOSEPH E. McDONALD.

JOSEPH E. McDONALD, of Indianapolis, was born in Butler county, Ohio, August 29, 1819, and when seven years old was taken by his parents to Indiana. He enjoyed but limited educational advantages when a boy, as he was apprenticed to a saddler, and worked for a time at that trade. He was not satisfied with his life at that business, but determined to engage in some other calling. Accordingly he sought a better education, and spent two years in college, but did not complete the course, and then turned his attention to the study of law, and was admitted to the bar in 1843. He settled to the diligent practice of his profession, and attained a good measure of success. For four years, from 1843 to 1847, he was Prosecuting Attorney, discharging the required duties with ability and general acceptance. In 1848 he was elected to represent the Eighth Indiana District in the Thirty-first Congress. He was elected Attorney-General of the State in 1856, and in 1858 he was honored with a re-election. In 1859 he removed to Indianapolis,

where he continued the practice of his profession. Being so prominent in the politics of his State during so many years preceding the war of the rebellion, he exerted no inconsiderable influence in shaping the course of his State in that crisis, and in prompting the spirit that animated so many of her citizens. During the war he sympathized with the South, and as far as he could, gave aid and comfort to their cause. He was strongly opposed to the Emancipation measures of President Lincoln as being contrary to the constitutional powers of the government.

In 1864 he was the Democratic candidate for Governor of his State, but failed of an election. Ten years later he was elected United States Senator, to succeed Daniel D. Pratt, and took his seat on the 5th of March, 1875. His term expired in 1881, when he was succeeded by Hon. Benjamin Harrison. He was prominent as a candidate for the Presidential nomination before the National Democratic Convention, which was held at Cincinnati in 1880, and is one among those most frequently mentioned for the same honor in 1884.

## THE STANDARD SILVER DOLLAR.

*Mr. McDonald's Speech, delivered in the Senate, February 12, 1878.*

MR. PRESIDENT: After the exhaustive discussion that the bill under consideration has received from other Senators, I do not expect to throw any new light upon the questions involved in it; and yet the deep interest the measure has created throughout the country, and especially in my own State, makes it necessary that I should not be silent.

Under ordinary circumstances the propositions involved would not probably call for such protracted discussion, and would certainly not attract so much of popular attention. The simple circumstance of restoring a coin that had been our unit of value for eighty years, and which, without due consideration had been omitted in our coinage act, would not ordinarily be a matter of much moment; for the standard silver dollar, which is the object of this bill, is but one of a list of our national coins. But, at this time, and under the peculiar circumstances surrounding us, no question has attracted so much attention or called forth so much discussion, both in and out of Congress, disclosing an almost irreconcilable conflict of opinion between the friends of the measure and its opponents. This is due in a great measure to the financial embarrassment under which a vast majority of the people are laboring, and also to the fact that the step we are about to take is a most important one in connection with the re-establishment of our financial system.

It is now nearly sixteen years since Congress found it necessary under the pressure of the late civil war to authorize the issuance of circulating notes on the credit of the government, and to declare them to "be lawful money," and to be "a legal tender in the payment of all debts,

public and private, except duties on imports, and the interest on the public debt," and since that time this paper credit has performed all the offices of money among our people in all their private dealings. The volume of that paper circulation still outstanding on the 1st of February of the present year, was \$349,110,424. The same necessities which had forced the government to an issuance of this paper credit caused the establishment of the national banks, whose paper circulation, based also mainly upon the credit of the government, amounts at this time to about \$320,000,000, making an aggregate volume of paper circulation of about \$669,110,424.

The effect of the introduction of this paper currency into the channels of our domestic trade was to retire from circulation both gold and silver coin; and so completely had coin disappeared from the ordinary channels of trade and commerce among our people, that when, in 1873, the standard silver dollar was omitted from our list of silver coin, and thereby demonetized, more than two years elapsed before the fact became generally known. For nearly sixteen years this paper credit has performed the offices of money among our people, and been the basis and foundation of our financial system; and so well has it performed that office that many insist that it should be made perpetual, and its volume from time to time increased as the real or imaginary wants of business may demand.

On the other hand, it is contended that there can be no safe and sure foundation laid upon which to rest the finances of a commercial country that is not based upon a currency of value as distinguished from a currency of credit, and that therefore, as soon as it is practicable to

do so, consistent with the interest and well-being of the whole country, there should be a restoration of the coin currency to its proper place in our system, and that this coin currency should at all times thereafter be the standard and measure of the value of the circulating notes. In this last view of the question, I fully concur, and entertain no doubt that in due time this will be fully accomplished, and that there will be no difference in value between the coin currency of the country and the paper circulation, as the one will become convertible into the other at the will of the holder. In fact, under existing laws, if they shall not be modified or repealed, the government stands pledged to the accomplishment of this purpose on the 1st day of January, 1879.

In re-establishing our financial system upon a basis of a currency value, the important question for our consideration is, whether we will constitute that currency of both gold and silver, or whether silver is to be omitted, except so far as it may perform the offices of a subsidiary coin, and gold alone become our standard and measure of value. If no change had been made in our coinage acts, I think it safe to say that at this time no proposition would be made to change them. If the act of 1873, by which the silver dollar was in effect demonetized, had not been passed, no Senator at this time would propose such a measure. But, it has been said, we must take the question as we find it—that we must deal with the present, and not with the past. This may be correct, but, on the other hand, I insist we have the right to choose to restore the bimetallic standard if we so elect, and that there is no legal or moral obligation standing in our way; that, in restoring the silver dollar to the position it occupied in our money system for eighty years, and down to, and at the time, that every public obligation outstanding against us as a nation was authorized, and to claim the option of discharging any or all of our obligations in that coin, if we so select, does not infringe upon any law, impair any contract,

or violate any moral obligation, so that, in my opinion, the sole question for us to consider, is what, in our judgment, is it our interest, as a people, to do.

Out of the many considerations which induce me to give my hearty support to this measure, there are two which are so important and controlling as to render it unnecessary for me to discuss others. The first, and most important of these is the wide-spread distress which springs from the long-continued depression in trade and business, consequent upon the loss of confidence, and collapse of credit, under the influence of the financial panic of 1873. At no time since that panic set in, have the people been suffering from the pressure and weight of their debts and obligations to as great an extent as at the present. This has resulted from the fact, that during its continuance, their utmost efforts have enabled them to do but little more than pay the interest upon them—in many instances they have not been able to do this—while the continued depreciation in the value of their property, both real and personal, has lessened their ability to pay, and increased the burden.

In many sections of the country it is now questionable whether, under the most favorable conditions we can hope for in the future, there can be any escape from the embarrassments that surround the debtor class, except through bankruptcy; while it seems to me perfectly clear that we cannot look for a revival of business as a restoration of confidence and a return of credit until the present indebtedness shall be so far adjusted, or disposed of, as to relieve the debtor class from its intolerable burden.

When the annual productions of the farm or the workshop are insufficient to pay the interest and provide for the principal of the debts which the people owe, and there has to be a resort to the enforced sales of fixed property to liquidate them, general bankruptcy in such a community has already set in; for, while real es-

tate is valuable from its permanent and fixed character, and the security it furnishes in times of prosperity as a basis of credit for the owners, yet, when the products of industry have all been swept into the vortex of debt, and the substantial property of the country put on the market by forced sales to liquidate the balances, it finds no purchasers but the creditor, and has no measure of value but the mortgage debt.

Take my own State in its present condition as illustrative of these truths. Blessed with the most productive of soils, rich in mineral wealth, and peopled by an industrious, frugal, and enterprising population, yet it finds itself confronted by threatened bankruptcy and ruin. It is true that for two years in succession we suffered from a partial failure of our crops, but last year was one of unusual plenty. We cannot expect in the future to surpass in our productions the bountiful yield of last year. And yet, when our people come to market their surplus, they find that their taxes, and their interest on the debts they owe, have absorbed it all, and the principal of the debt is left all untouched; and such has been the depreciation in the value of their property that they can no longer look to it to materially aid them to extricate themselves. In my own city, the capital of the State, the largest inland city in the United States, and heretofore one of the most flourishing, this depression in business, and shrinkage in value, are everywhere apparent, and it is within my own knowledge that real estate, sold a few years ago on the usual terms of one-fifth in hand, and the balance in one, two, three, and four years, is now being sold on foreclosures for the fourth and fifth payments, and finds no purchasers but the mortgagee.

Nor are we of Indiana, as a general rule, in any worse condition than our neighbors in the Northwest, especially of the great State of Illinois. It is but a day or two since the following statement of the condition of Champaign county, one of the richest agricultural counties

in Central Illinois, was published in the "Indianapolis State Journal," a paper by no means friendly to the measure under consideration:

"URBANA, ILL., February 2.—Examinations just made here of the debts on the real estate of Champaign county show a discouraging condition of property owners. The real estate is mortgaged to Eastern creditors to the amount of about \$6,000,000, while its entire assessed valuation is less than double that amount, being \$11,292,000. Half the value of all the land is owned in the East, and pays to the East an interest of about \$600,000 annually, besides a tax of about \$416,000; total, over \$1,000,000. This is over \$1.50 for every acre, and \$22.50 for every man, woman, and child in the county. Add this to the immense debt unsecured by land, and consider that crops have been poor four years in succession, and it can readily be seen why our farmers are almost bankrupt, and scores of farms, in every county, are being sold under trust-deeds."

This may be an exaggeration, but with all the allowances, it is impossible, Mr. President, for me to add anything to the picture thus presented, of the deplorable condition of one of the garden spots of this great agricultural commonwealth. In view, then, of the condition of affairs, it seems to me that any measure that tends in any degree to uphold the value of property, or to prevent its further depreciation, ought to meet the concurrence and support of all; and while I do not entertain the exalted views of many, as to the beneficial effects of the measure upon which we are deliberating, yet I do entertain a strong conviction that, by putting once more into the arteries and veins of our internal trade and commerce a sound and substantial circulating medium, which is not only an article of value itself, but the basis of credit, we will do something toward the restoration of confidence which alone can cause trade to revive, and business to flourish, and thus enable the debtor class once more to move along under their burden, without being crushed by its weight.

I am equally well convinced that to refuse to do so, to attempt to return to a specie basis upon the single standard of gold, would so dishearten and discourage the debtor class of this country as to precipitate what is now threatened; a uni—

versal ruin and bankruptcy of the country such as has not been witnessed in our history before, and which may end, possibly, in overwhelming alike the debtor and the creditor. It is not worth while now to speculate upon the causes which have led us into this condition of things, nor to consider whether, during the season of apparent prosperity which preceded the present crisis, a wiser forecast or a greater degree of moderation, with less extravagance, might not have avoided the accumulation of the debt, and averted the evils which now threaten us. Even if all this had been done, when our people were in comparatively easy circumstances, it would have been found very difficult to return to a specie basis without greatly deranging our business for the time being, and causing more or less suffering. Other nations who have passed the same ordeal through which we are now passing, have found it so; and there is nothing in our circumstances, as a people, to induce the belief that we can escape wholly the effects of a policy, which, for the time being, necessarily tends to contraction, and to consequent depreciation in values.

I have always believed, Mr, President, that an enforced resumption of specie payment by legislative enactment, would aggravate the evils incident to such a return, and that the only safe mode was through the gradual but certain processes of the laws of trade, which tend constantly to gravitate toward that point, and therefore I have always been opposed to what is known as the resumption act now upon our statute books, and shall vote for its modification, or repeal, notwithstanding the near equation we have reached between the money value of our paper circulation, and its par value with gold; as I feel confident that, to continue that law and attempt to resume under its force and effect, would be to cause such contraction in the volume of currency as to repeat in our own case the disasters the people of England suffered, and which have been so vividly portrayed

by her historians. At the same time, it seems to me quite clear that the measure under consideration for the restoration of the silver dollar and its replacement in our system as a part of our currency of value, is the door through which we must return to specie payments.

The next most important consideration, as it seems to me, in favor of the proposition to re-monetize silver, springs from the fact that we are its largest producers; that of the seventy million dollars' worth of silver bullion annually produced by the mines of the world, more than half of it is the product of the mines of the United States; two-thirds of the remaining half is drawn from the mines of Mexico and South America, so that seven-eighths of the annual yield of the silver mines of the world are the products of the mines of North and South America. Silver and gold have been classed as precious metals as far back as the light of history reaches, and both have always been, in some form, in use as money.

Even now in those countries where what is called the gold standard has been adopted, silver continues to circulate, and at this time enters more largely into the business of those countries than it ever has in the United States, and to-day England has in circulation \$3 in silver coin to one in circulation in the United States, notwithstanding it has nominally been demonetized there since 1816; so that we are not called upon to select some product that never has had any other value than a commercial value, and give it a new character and value springing from its use as money, but simply whether we will consent to the reduction of this important product from its position as one of the precious metals to the mere condition of an article of trade, and instead of measuring the value of other articles by it, measure to determine its own value by the uses it can be put to as an article for manufacture, and in that manner eliminate from our circulating medium the thirty-six million dollars' worth of silver which we

annually produce, and by that means enhance the value of gold coin, and increase the burden of all our indebtedness, public and private.

° We are also large producers of gold, and of the annual yield of the gold mines of the world, we furnish at least one-third. Being the largest producers of both gold and silver is unquestionably a strong reason why we should re-establish our financial system upon the precious metals, yet it affords no reason at all why we should coin only for circulation the forty millions of gold which our mines annually produce, and turn over the thirty-six millions of silver to the smelting pots of the manufacturer. But it is said that we cannot maintain the bimetallic standard for the reasons: First, that the nations with which we are most intimately connected in trade and commerce are gradually adopting the gold standard, and that we must, to be in accord with them in business, follow their example. Second, that it is impossible to maintain that equation between the value of the gold and the silver dollar which is essential to retain both in circulation.

As to the first objection, it seems to me that it begins by begging the whole question, for, while it may be convenient that there should be a uniformity of values between the different commercial countries, it is not essential that they should adopt the same circulating medium. As to the second, there has been no demonstration yet in the practical use of silver and gold coin circulating together in the same channels of trade to show that they will not bear a sufficiently near relation to each other in their money values as to practically form a single standard. At the time the silver dollar was demonetized it was worth a half per cent. more than the gold dollar. The subsequent depreciation of the silver bullion has undoubtedly been to a great extent the result of its demonetization, and its loss of money value. Its restoration by the United States alone may not enhance its market value again, for a time at least, to what it was in 1873;

but if, by remonetizing it and giving it its former position in our financial system, we re-open the mint market for two-thirds or three-fourths of the annual yield of our silver mines, it seems quite clear to me that its market value will come so near to its money value, which, by the bill under consideration, is to be the same as gold, that it can have no serious effect upon the gold coin of the country, especially in that class of commercial transactions where gold from its greater value in proportion to its bulk, finds its appropriate sphere.

In the business affairs of life these two precious metals, from their very nature, enter but little into competition with each other. The largest piece of silver coin that can be conveniently handled is the dollar piece, and consequently the silver coin necessarily hunts out the smaller channels of trade in which to circulate. The smallest gold coin that has been struck in this country is the gold dollar. This is a worthless coin for circulation, but few have ever been coined, and probably none will ever be coined in the future. The dollar is our unit of value, and from 1793 to 1873 the silver dollar of 371½ grains of pure silver, representing 412½ grains of present standard silver, constituted that unit.

In 1873 the gold dollar of 25.8 grains of standard gold was declared to be the unit of value, so that practically now we have a unit of value without any coin piece to represent it; and the restoration of the silver dollar would do no more than place us back where we were when the act of 1873 was passed; and if, after we have made a fair experiment, it shall be found that silver has in fact permanently depreciated in value, it will be time enough to consider how far it may be necessary for us to readjust the standard between gold and silver so as to make the dollar which passes into the hands of the laborer in payment of his wages, equal in all respects to the dollar which the merchant and the banker use in adjusting and settling the balances of trade in large commercial dealings—for I cer-

not want the laborer to be compelled to money of less value than that which demands.

President, it seems to me that there is a solution to this whole question. The money in this nation to provide for the coinage and to regulate its value, rests, under the Constitution, in the Congress of the United States. The power has also been authorized to declare the issuance of Treasury notes to be a legal tender "from and after the date of the issue of such notes, in payment of all debts due to the government. Let the power be clearly conferred by the Constitution on Congress to coin money and to regulate the value thereof, and to restore the silver dollar to its full money power that it possessed before it was eliminated from the list of legal tenders, and then to declare the legal tender of the government to be receivable for all debts due to the government, and thus place our currency upon a sound footing, and in a short time a practical system of specie payment will be

established. The government ought to receive for its issues to pay for all government dues, and not only the direct necessities of the government, but should sanction the discrimination that is now in the law authorizing the issuance of Treasury notes against their receipt for duties and taxes. It was no doubt justifiable at the time its effect tended to the support of public credit and to retain a portion of our coin in circulation in the country, but the discrimination should not be continued after the necessity for it has passed away; and so long as we keep our public creditors by complying with the terms of our contract with them, it is of no concern to them in what form the money is paid. The Treasury notes are now receivable for all taxes, State, municipal, and

national, except import duties, and have been so receivable since their issuance was authorized.

Is it not time that they should be received also for tariff dues, and thus appreciate their money value by enlarging their money power? Our financial legislation for the last ten years has been mainly in the interest of the bondholder, to strengthen the public credit, as was said. Is it not time, Mr. President, that something should be done for the benefit of the billholder? The power to declare the paper credit of the government a legal tender in the payment of private debts is, to say the least, a doubtful power. But the power to declare it receivable for all public dues is not only unquestioned, but is right and just in itself, and should not, in my opinion, be longer delayed.

I have not attempted to discuss the many phases presented by the House bill, and the substitutes and amendments offered in this body, but have confined myself to the principles involved in them, being willing to express by my vote the particular form in which I desire to see them passed into a law. There are one or two questions upon which it may be well enough to express an opinion as controlling my actions in the votes that I shall give. I do not think that the free coinage feature of the House bill should be retained, or the principle of free coinage applied to the coinage of the silver dollar until the market value of silver bullion shall equal the money value of the legal tender coin, and that whatever seigniorage or profit accrues by its coinage should be covered into the Treasury for the benefit of the whole people. Unlimited free coinage seems to be a popular idea in connection with the remonetization of the silver dollar, but it must be because the operations of the measure are not clearly understood.

I can see no reason why the holder of the silver bullion should be entitled to receive the profits that would accrue from the difference between the market value of the bullion and the money value of the coin, so long as there was any dif-

ference, and when the market value of the bullion should equal the money value of the coin, have it in his power to either stop the coinage of the silver dollar, or throw upon the government the expenses of its coinage. I think, also, that we should guard, if possible, against the imposition by the holders of foreign silver coin in those countries where silver has been either in whole or in part demonetized. It is very important to us as a people that, while we are laying anew the foundations of our money system, we should make them as secure and stable, and as free from fluctuations, as possible.

Yet, Mr. President, if a majority of the Senate should differ with me on these questions, I shall vote for the bill as it came from the House, and shall trust to future legislation to adopt such safeguards as may be necessary, believing the speedy determination of the question in favor of the principle to be more important than the perfecting of its details.

Mr. President, the present condition of affairs is by no means encouraging, and the difficulties that surround us can scarcely be exaggerated. "The industries of the nation have been congealed as a flowing stream by the severity of an arctic winter." The cry of distress and financial ruin comes up to us from all over the land, and we cannot close our ears to it. Much is expected of Congress. The people are looking to it for the adoption of such measures as will arrest the downward tendency of business, and unfortunately it can do but little. Yet something may be done to inspire confidence in the future, restore hope and re-establish credit, and give time for the recuperative energy of the people to re-

assert itself, and bring out the dormant resources of the country.

It has been said that the present stagnation of business is not caused by a want of silver currency; that money is redundant in the money centers, and lies idle for want of employment. This may be true, for where business is being done, but little money is required, nor can we expect it to be otherwise until there shall be an upward tendency in business affairs. No prudent man will invest when the probabilities are that the investment will be less valuable to-morrow, or next month, than it is to-day; and the money needed at this time by the people is some assurance that the legislation of Congress will be directed as far as may be in favor of measures as will tend to enhance the value of money; and, while it is impossible to avoid the evils under which the debtor class are at present suffering, yet I believe that something may be done; that, if Congress will pass the measure now before us and provide for its faithful and steady execution, and will also speedily renege much of the act of January 14, 1875, known as the resumption act, as fixes the day for the resumption of specie payment, and put a stop to any further contraction of the silver currency for the present, and there rest, the people rest, that much, and very much has been done to inspire hope, and to restore confidence, two qualities essential to the permanent development of any land; that belief I shall contribute what it may be in my power to do as one of the representatives of this State in this body, to accomplish these ends.









ALLEN G. THURMAN.

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## ALLEN G. THURMAN.

ALLEN G. THURMAN is a son of the "Old Dominion." He was born at Lynchburg, Virginia, on the 13th of November, 1813. He was taken to Ohio at six years of age, and became a permanent resident of that State. He received a good education, applied himself to the study of law, and was admitted to practice in 1835. He thoroughly mastered his profession, and applied himself diligently to business; as a consequence he became widely and favorably known, and was regarded as a man of influence. In 1844 he was elected to represent his district in the National House of Representatives. He served one term, and then returned to his profession, adding to his attainments and prominence. In 1848 he was elected a Judge of the Supreme Court of Ohio, and filled the office until 1856. His time and energies were devoted to his chosen work, yet he found abundant opportunity to take an active part in the politics of his country, and was one of the recognized leaders of his party.

In 1867 he was the Democratic candidate for the office of Governor, and the next year was elected to succeed Mr. Wade in the United States Senate. In 1874 he was re-elected, and served until 1881. He occupied a prominent place on the Judiciary Committee, and Private Land Claims Committee, and others during his twelve years of service in the Senate. Mr. Thurman was regarded as an able lawyer and laborious worker in the halls of legislation.

During the time that he was a member of Congress, his voice was always heard upon the important questions of that period, and the opinions advanced were treated as coming from one who had given the subject careful study. His remarks in the Pacific Railroad case, given in this work, display his argumentative powers to a remarkable degree.

Mr. Thurman was a prominent candidate for the Presidential nomination, on the Democratic ticket, at the St. Louis Convention in 1876, and again at Cincinnati in 1880. He is one of the strongest men in his party, and is looked to as a leader of ability and wise counsels.

## THE PACIFIC RAILROADS.

*Mr. Thurman's Speech, delivered in the United States Senate, March 12, 1878.*

MR. PRESIDENT: This is a bill to create, in the Treasury of the United States, a sinking fund for the purpose of paying, as far as it would suffice, the debts of the Union Pacific, and the Central Pacific Railroad Companies. The bill, as originally introduced, embraced several other companies, namely, the Central Branch Union Pacific Railroad Company, the Sioux City and Pacific Railroad Company, and the Kansas Pacific Railway Company; but in the substitute now under consideration the provisions relative to these three companies are stricken out for the reasons stated in the report; and, as it is very short, I will read that paragraph of the report:

"The condition of the Central Branch Union Pacific Railroad Company, the Sioux City and Pacific Railroad Company, and the Kansas Pacific Railroad Company, is so different from that of the Union Pacific and Central Pacific, and there being questions peculiar to each of those three companies, we think it advisable to strike the provisions relating to them out of the bill, with a view to report hereafter a bill, or bills, adapted to their circumstances and the rights of the government."

The substitute, therefore, embraces only two companies, the Union Pacific Railroad Company, and the Central Pacific Railroad Company; and now the first thing to which I wish to call the attention of the Senate, is the necessity for some such legislation as that which is proposed; that is to say, for the creation of a sinking fund. I wish, however, first to premise that this is not a sinking fund for the benefit of the government alone, although it is one of the principal, if not the principal, creditors of the two companies; because the bill carefully guards the rights of every one of their creditors, so as to give the government no advantage whatever over any creditor that it does not now possess,

the sinking fund, with all its accretions, with all its accumulations, being made a security for the debts of the companies according to their just priority, precisely as such a fund would be distributed in a court of equity.

Now, as to the necessity of this legislation. The government loaned to the Union Pacific Railroad Company, in bonds running thirty years, and bearing interest at the rate of six per cent. per annum, \$27,236,512, omitting cents. Thirty years' interest on that amount would be \$49,025,722, and some cents, making the amount that would be due to the government, for the government pays the annual interest on these bonds (they are government bonds), at the maturity thereof, \$76,262,235, if the government should receive in the meantime no reimbursement of the interest paid; but the government is entitled to reimbursement annually under certain provisions in the charter. By one of the sections of the original act of 1862 the government is entitled to five per cent. of the net earnings of the companies, to be applied toward the reimbursement of the government, the amount of interest, and principal of its loan. By another section, as amended by the act of 1864, it is entitled to one-half of the account which each company may have against the government for the transportation of government troops, munitions of war, mails, and material of whatsoever kind, and which is familiarly known as the half-transportation account. Those two sums the government is entitled to apply annually toward reimbursing itself the interest which it pays on its subsidy bonds, and if anything were over, toward the liquidation of the principal. The probable reimbursement from these sources,

should the laws remain unchanged, would be, in the case of the Union Pacific, about \$245,661 annually from the five per cent., and \$421,311 annually from the half-transportation, making in the whole, \$666,972 per annum, which for thirty years would make \$20,009,160 which the government would have been reimbursed. Deducting that from the principal sum loaned by the government, and thirty years' interest, which I have already stated would be, principal and interest, over \$76,000,000, and there will probably remain due to the government, at the maturity of the government loan, should the laws remain unchanged, the sum of \$56,253,000 from the Union Pacific Company.

In respect to the Central Pacific the case is this: The government loan made to it was \$27,855,680. The interest upon that for thirty years would be \$50,140,224, making a total of \$77,995,804. The probable reimbursement from the five per cent. of net earnings, and the half-transportation, would be about \$15,000,000, leaving probably due, should the laws remain unchanged, at the maturity of the government loan, \$62,995,804, which, added to the amount that probably would be due from the Union Pacific Company, makes a grand aggregate of \$119,248,879, that will probably be due by these two companies in the years 1895 and 1896, should the laws remain unchanged.

And that, Mr. President, is without counting interest upon the interest which the government annually pays. No one pretends that the government has a right to compound interest upon the interest which it annually pays, but it is contended by the law department of the government that upon each installment of interest which the government pays it has a right to compute interest without rests until the maturity of the bonds; the companies themselves not being bound to pay any interest until the maturity of the bonds, except so much as may be paid by the five per cent. of net earnings, and by the half-transportation account. But, omit-

ting any such accumulation of interest upon interest, which would immensely enhance this sum of \$119,000,000, and taking it according to the claim of the companies, that the government has to lose all interest upon the annual payments of over \$3,300,000 which it makes for these two companies, yet the amount which these two companies will probably owe to the government at the maturity of these bonds, would not be less than \$119,000,000 or \$120,000,000, unless indeed the business of the companies should so immensely increase in that time as to make the product of the five per cent. of net earnings and the half-transportation account far greater than it ever yet has been; and even if that were the case, even if the receipts from those two sources were doubled, still the amount that would be due to the government at the end of this loan could not be less than \$80,000,000.

Now it does seem to me that this bare statement of the amount for which the government will be the creditor of these companies ought to satisfy any one that some step should be taken by Congress to secure it from loss. But it is not alone that the government is this great creditor. By the act of 1864 it gave up its priority of lien upon the road, and there are creditors, the first-mortgage creditors holding bonds of the companies, amounting to precisely the same sum as the principal of the government loan, that is to say, amounting to over \$55,000,000, and which are a lien paramount to that of the United States. The government, then, is subordinate to a first mortgage on these roads of \$55,000,000, which, added to the amount that will be due to the United States at the end of the loan, say \$119,000,000, will make one hundred and seventy-odd millions of debt, to say nothing of the debt which is inferior in lien to that of the government.

Manifestly, it does seem to me that this bare statement shows that it is the duty of Congress to begin to look out for some security that this immense amount shall not be lost. Should it be

repaid to the government, yet these companies will have been the recipients of the most lavish bounty that any government ever bestowed upon corporations since the world was made. The subsidies in land, the loan of \$55,000,000 at six per cent. interest, not reimbursable until the end of the thirty years, and the rights and franchises that were given to these companies, all made the most magnificent bounty that any government ever bestowed upon such corporations.

But, Mr. President, there are other reasons that should induce Congress to interfere, and one of them, and in my mind a very potent one, is, that these companies up to the 1st day of January last, had not provided one dollar of a sinking fund to pay their indebtedness to the government. They had provided some sinking funds for other portions of their indebtedness, some of which were inferior to that of the government, but not one dollar had they provided as a sinking fund to meet their debt to the government, when that should become due. But, instead of doing so, although they were in the receipt of such incomes as no other railroad companies in the United States received, the richest income and the most net earnings that any companies received, instead of providing a sinking fund to meet their indebtedness to the government when it should mature, they have divided among their own shareholders, the great portion of their net earnings, paying in the case of the Union Pacific 8 per cent. per annum on the nominal value of the stock, which makes nearly 12 per cent. on its market value, and in the case of the Central Pacific paying from 8 to 10 per cent. upon the nominal value of the stock.

Now, Mr. President, can there be any doubt of our duty to exert our power, if we possess it, to compel these companies to think something of the government, as well as to think of their own pockets, to think something of what is due to the government, as well as to think of the pockets of the shareholders?

I have spoken of the indebtedness to the gov-

ernment, and its immense amount, as one reason why Congress should interfere; but other indebtedness, the indebtedness of the companies to others than the government, must also be taken into consideration, when we are determining whether there is a necessity for this legislation; and looking at that, we find that the indebtedness of the Union Pacific, other than the indebtedness to the government, is \$51,497,000, and of the Central Pacific \$55,457,000, making an aggregate of \$116,954,000 which those companies owe besides their indebtedness to the government, and this exclusive of their floating debt. However, their floating debt is so small that I lay no stress on it. It need not be taken into account. In that respect these two companies are better off than any companies I know of in the Republic.

If I have made it apparent that some legislation is necessary upon this subject, the Senate will be prepared to hear what legislation it is that the Judiciary Committee propose.

That question, so far as the past is concerned, your committee propose to leave for the decision of the Supreme Court without any retroactive legislation that would touch it at all. They propose, therefore, to define "net earnings" simply for the future, and not for the past, and as a fair adjustment between these conflicting claims of the government on the one side, and the companies on the other, they think it would be reasonable, and they so report, that, in addition to operating expenses, and the amount for keeping the road in repair, each company ought also to be allowed to deduct the interest on its first mortgage, which is prior in lien to the lien of the government, and that then what remains, will be the sum, 5 per cent. of which shall be payable to the United States as "net earnings" under this provision of the law.

I think that that is a perfectly fair proposition. The inclination of my mind is to believe, especially in view of the eighteenth section of the charter, that the interpretation of the law by the

Attorney-General is the correct interpretation; but it is a debatable question, a fairly debatable question, whether his interpretation is right, or whether it is not. But we place our right to define for the future what shall be net earnings upon the control which Congress has over this charter, both by the general principles of constitutional law, and by the express right reserved to Congress to alter, amend, or repeal the charter. Upon either one of these grounds, it seems to us that we have the right to prescribe what shall be considered net earnings, at least for the future, and we think that what we do prescribe is perfectly fair, and perfectly just.

And here I must remark, that the substitute reported by the Judiciary Committee is more favorable in this respect to the companies, than was the original bill, or than was the bill reported to the Senate by the Judiciary Committee nearly two years ago, and which is precisely the same as Senate bill No. 15, which was last referred to the committee. That bill, reported in July, 1876, and the same bill, which was introduced by me, and referred to the committee at the last session, did not allow each company to deduct from its gross receipts the interest upon its first mortgage before the computation of 5 per cent. began. We have made the bill more lenient to the companies by allowing that deduction to be made. Nor have we taken any exception to a practice that has been pursued by both these companies—and which every man familiar with railroads and their management will understand perfectly well, is to a great extent an evasion—a charging to the account of operating expenses, very large sums of money used in the reconstruction, the rebuilding of the road. Take, for instance, the Union Pacific. Here are many miles of rails that have been relaid on that road, steel rails substituted for iron rails. Here are many thousands and thousands of ties, new ties, that have been laid in that road. There are many other improvements and repairs of that kind, all of which that company

has charged to "operating expenses," and not to the "construction account."

I think it has been generally held that, where a State has reserved the right to a certain per centum upon the net earnings of a railroad by way of tax or otherwise, the company has no right to deduct from its gross earnings anything but the cost of ordinary repairs and the operating expenses; that it has not a right to rebuild the road and immensely improve it, as by the substitution of steel rails for iron rails, and charge that which properly belongs to the construction account to operating expenses. But we have made no point at all about that in this bill. We have said, on the contrary, that they may deduct operating expenses and the cost of repairs, and, if this reconstruction comes fairly within the word "repairs," the company can proceed to repair the road in this way.

I wish, however, further to say, that practically the difference would not amount to a very large sum, though it would amount to something, whatever interpretation may be placed upon these words, "net earnings," in the charter, because, if you reduce the net earnings to the very lowest sum, as contended for by the companies, you only make it necessary to require the companies to pay a so much larger sum into the sinking fund, if you are to have any sinking fund that is worth the name. The only advantage the government has in reducing the deductions from the gross earnings in order to obtain the 5 per cent. is that then a larger sum is payable annually to the government, which it is authorized by the charter to apply immediately to reimburse itself the interest it has paid; and, therefore, it saves interest upon that sum thus paid.

The Senate will see that the committee propose that this sinking fund shall be invested in bonds of the United States. I do not know that there is any objection to that. But the bill provides that in making the investment the Secretary shall prefer the five per cents.

Why is that? For this reason: The debt of the United States, the bonds of the United States, bear either 6 per cent., 5 per cent.,  $4\frac{1}{2}$  per cent., or 4 per cent. interest, and if the Secretary is to invest in them he is to choose between these kinds of bonds. But the six per cents. are all subject to call now with the exception of the 1881s, and they will be payable three years from this date.

Any investment, therefore, in the six per cents. is out of the question. They are all subject to call, and the government certainly does not intend, at least I hope it does not intend, to extend the six per cent. loan for twenty-three years when it can borrow as much money as it wants at  $4\frac{1}{2}$  and possibly at 4 per cent. The six per cents. are therefore entirely out of the question. The objection to the four-and-one-half per cents. is that they are too short in time also. They would do very well because, for the reason that I will specify, they would produce an amount of interest equal to that which the company has to pay in the end; but they are too short. The four per cents. are not sufficient in amount. That leaves but five per cents. as the great resource of the Secretary of the Treasury for the investment of this sinking fund. They are long enough. They mature just about the time that the government loan matures, and the rate of interest is such that, compounded as it is required to be by this bill, the amount of interest that will accrue upon the sinking fund will be equal to the interest which the company will have to pay at the maturity of the government loan. The companies have to pay 6 per cent. interest, but, mark it, there are no rests. Twenty-three years from now they have to pay the accumulated 6 per cent. interest, but there are no rests. If any one will make a computation he will find the money at five per cent., compounded semi-annually, as it is here provided it shall be compounded, will produce, in the time we have to consider, a larger sum than 6 per cent. upon the same amount of money not

compounded. It is obvious that the amount of accretion on this sinking fund, that is, the interest upon it, ought to be sufficient to meet the interest which the companies will have to pay for the same period of time upon the government loan.

The 5 per cent. bonds, even if purchased at a premium of 10 per cent., will produce that interest, owing to the compounding of interest, as I have stated. The provision of the bill, therefore, in this respect is perfectly fair to the companies, and is just to the government.

If the bill which we report shall become a law the amount which these companies respectively will have to pay to the government will be substantially the same, about \$1,900,000 a year; that is, including what they are bound to pay under the provisions of existing law. The reason why more is required by this bill to be paid in cash into the sinking fund by the Central Pacific is that the amount of 5 per cent. of the net earnings of that road and its half transportation account are not equal to the 5 per cent. and the half transportation account of the Union Pacific road. The transportation account of the Union Pacific road amounts annually to over \$800,000, one-half of which is four hundred and odd thousand dollars; but of the Central Pacific the half transportation is only about one-half of that sum. In other words, the Union Pacific receives for transportation from the government annually about twice as much as the Central Pacific receives. The consequence is that the amount which the Central Pacific will pay to the government under the law as it now stands, or as proposed by this bill, as 5 per cent. of net earnings and one-half of its transportation account, will not be as much by about \$167,000, or perhaps something more than that, as the amount that the government will receive from the Union Pacific. That will be seen if the Senate will look at the report.

Turning to page 8 of the report we find in respect to the Central Pacific that 5 per cent. of its net earnings payable under the existing law



may be estimated in the future at, say, \$300,000, and the half transportation account payable under the existing law at \$200,000, making \$500,000. Then the bill provides that it shall pay into the sinking fund the other half of the transportation account, say, \$200,000, and cash \$1,200,000, making \$1,400,000 into the sinking fund, and making a total payment to the government under the existing law and under the bill which we report, in round numbers, of \$1,900,000, which is substantially the same amount required of the Union Pacific.

But the Senate will observe one safety that these companies have, that, whenever in any year 75 per cent. of their net earnings, as provided, will not be sufficient to pay all their operating expenses and their interest on the first mortgage, then, upon that being made manifest to the Secretary of the Treasury, he may make an abatement for such year of the amount that is to be paid into the sinking fund; in other words, we will not, under any circumstances, require of them more than 25 per cent. of their net earnings. Neither for the 5 per cent. nor the half transportation account, either under the existing law or under the bill which we report, and the sinking fund taken together, will we require more than 25 per cent., and whenever it would require in any year more than 25 per cent., then the amount of cash to be paid into the sinking fund shall be reduced so that they shall not be required to pay more than 25 per cent.

Now, Mr. President, is not this a very liberal bill which allows these companies to retain 75 per cent. of their net earnings after the payment of their operating expenses, and the interest on the first mortgage, in order to meet their other obligations, and for dividends among their shareholders? No man can deny that it is a liberal bill; and if it had not been that your Judiciary Committee had no inclination to oppress these companies, nor the slightest wish to do them any wrong, if the committee had not

recognized the fact that it is for the interest, not only of the companies, but of the country and the public, that the stockholders should be allowed to receive some reasonable dividends, because where roads pay dividends, they are always better managed than where they pay none—if it had not been for those considerations, we might justly have required more onerous conditions than those that we have imposed by this bill. Am I right about that? It is shown by the report of your committee, by going over the receipts and expenditures of these companies for long periods, that they can comply with this bill and pay every dollar of interest annually upon their indebtedness, both that whose lien is inferior to that of the United States, as well as the first mortgage whose lien is superior; that they can pay every dollar interest upon their entire funded debt, pay all their operating expenses, pay to the government what by existing law they are required to pay, and pay into a sinking fund what this bill requires them to pay, and then have annually for distribution among their shareholders as follows: The Union Pacific about  $4\frac{1}{2}$  per cent. on the nominal value of the stock, or  $6\frac{1}{2}$  per cent. on its present market value; and the Central Pacific about 6.4 per cent. on the nominal value of the stock.

Mr. President, there is not one railroad I believe in fifty in the United States that makes such dividends. I do not think there is. There may be more than that, but the number that pay any dividends at all is very small. If any Senator wants to see what is the condition of the railroads in the United States, what companies pay dividends, and what companies do not, I invite his attention to the last report of the Secretary of the Interior, pages 31, 32, and 33, where the earnings I believe, of all the railroads of the United States are given, where it is shown what companies pay dividends, and what companies do not, and where it is demonstrated that there are no companies paying such divi-

dends as these companies are paying, and that they can pay the dividend I have named after having fully complied with the law, and without any increase of business. This may be seen by that report, and by Poor's Manual, to which the report refers. No man can think for himself on this subject, and doubt for one moment that the business of those railroads, immense as it now is, is comparatively in its infancy. Just think of that great corporation, the Union Pacific Railroad, extending twelve hundred miles, which had at the report next before the last, a floating debt of only \$700,000, and had nearly \$3,000,000 of available assets to pay at any moment. There is scarcely any railroad in the United States, fifty miles long, that has not a floating debt as large as that. The Central Pacific has substantially no floating debt at all. But it has a surplus of \$10,265,000, and pays dividends of from 8 to 10 per cent. per annum to its shareholders, and I believe pays them quarterly. I venture to say that, in less than twenty years from now, these corporations will be the two richest railroad corporations on the face of this earth. It may be said, then, why do you want any sinking fund? If they will be the richest railroad companies in the world, why do you want any security? You do not need it. Yes, Mr. President, we do need security, for experience has shown that no matter how rich a railroad corporation may become, security for its creditors is essential; and as my friend [Mr. Bayard] rightly states, suppose the road is security, we do not want the road, we want our money.

The other provisions of the bill I do not know that I need to dwell long upon. Section 6 simply prohibits the payment of dividends when the company is in default for non-compliance with the law.

Section 7 provides that the sinking fund shall be properly apportioned between the two companies who contribute.

Section 8 provides that, when the fund be-

comes distributable, it shall be distributed according to the priority of lien of the creditors, thereby preserving every one's right precisely as a chancellor would do in marshaling the assets of an insolvent corporation or firm, and distributing them among its creditors.

Allow me to say that, if this bill should pass, its only effect upon the first mortgage bonds must be to enhance their value, because it would give them an additional security. They would have a right, if the company did not provide for their bonds to come in first upon this sinking fund, for their mortgage bonds mature at the same time the government bonds mature. They would have the right, therefore, to come first upon this fund, which would be in the Treasury, and to receive payment without any expense of foreclosure of the mortgage, or any trouble of being compelled to fight the road. It gives them, therefore, an additional security available at any moment when their bonds become due.

The tenth section simply makes it the duty of the Attorney-General to enforce the act.

The eleventh section declares that if there shall be a default in complying with the provisions of the charter, and this act for six months, then it shall operate as a forfeiture of the charter, and proceedings shall be instituted against the defaulting company. Some exceptions was taken to that provision when this bill was under consideration a year ago. The truth is, the provision is a lenient provision for the companies. Without such a provision the government might proceed against a company wherever there was a cause of forfeiture without any delay, proceed against it instantly; but now this provision requires that that default shall continue for six months before the government shall proceed to oust the company of its franchises.

The twelfth and thirteenth sections need no remark. They simply preserve the reservation of the right to alter, amend, or repeal, with a

all rights, both in the United States, laws, which have accrued heretofore. I said, as I said before, I shall not now question the power of Congress to pass this bill. The object has been simply in the opening discussion, to explain the bill. I shall not question the power to-day for another day, that is that the Senator from Illinois [who is on the Judiciary Committee] has prepared some remarks upon that subject, and I hope that he will take the floor when

I conclude, and give the Senate the benefit of his opinions upon the legal question. For myself I have only to say, that to me nothing in the world is clearer than that we have the right, and would have it if there was no reservation in the charter of a right to alter, amend, or repeal. But, waiving that question, we have by well-settled adjudications of the Supreme Court of the United States, and of a number of State courts, ample right to pass this bill under the reservations contained in the charter.



## JOHN I. MITCHELL.

**J**OHN I. MITCHELL, of Willsboro, Pennsylvania, is one of the youngest men now occupying a seat in the United States Senate. He was born on a farm in Tioga county, Pennsylvania, on the 28th of July, 1838. His boyhood was spent in the usual routine of a farmer boy's life, attending to farm-work and the district school, alternately, until he was about eighteen years of age, when he entered Lewisburg Seminary. After two years spent as a student in that institution, he withdrew, to take advantage of an opportunity to engage in teaching. This was in 1859, and while engaged in his work as teacher he devoted his leisure time to the study of law, which he had chosen as a profession. He served nearly a year in the 136th Pennsylvania Volunteers, entering as a lieutenant, and mustered out as a captain.

He was admitted to the bar in 1864, and immediately entered upon the practice of his profession in Willsboro, in his native county, where he has continued to live and practice.

He was elected District Attorney for

his county in 1868, and served faithfully and acceptably in that capacity until 1871, and during the year 1870 he was editor of the Tioga County "Agitator." In 1872 he was elected a member of the Legislature, and served in the House until 1876. He was one of the ablest members of that body, and served as chairman of the important committees on The Judiciary, and Ways and Means.

In 1876 he was elected to represent his district in the National House of Representatives, and in 1878 he was re-elected as his own successor. Mr. Mitchell had taken no active part in the factional difference between the Cameron and anti-Cameron wings of the Republican party of his State, and, when the Legislature was required to elect a successor to Senator William A. Wallace, Mr. Mitchell was elected to the United States Senate. His name was not brought before the Legislature until after some three weeks of warm contest, but when it was formally presented, he was elected on the first ballot. He took his seat on the 4th of March, 1881, and has filled it with marked ability and acceptance.



JOHN I. MITCHELL.

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## THE COUNTERPART OF THE REBELLION.

*Mr. Mitchell's Speech, delivered in the House of Representatives, April 17, 1879.*

**CHAIRMAN:** I ought not at this stage it I consider a great and high debate to contribute a word to this discussion, did I not feel it to my constituents to do so. I am quite that I should be able, had I the fullest unity, to add but little to the weight of weight upon my own side, or greatly to an already waning faith on the other. My argument has related principally to two questions—one of constitutional law, the other of legislative expediency and necessity.

I have listened to, or read, the arguments of both upon both sides, and am confirmed in my opinion that the Republican position is expedient, patriotic, and impregnable. I shall therefore abide by it, and rest in the prevalent belief that great benefit to our new Republic will flow from this conflict of purposes and opinions on the one side and the other, and, as it does, the real spirit and object of the parties.

There has latterly been too much of surface discussion that our late family quarrel was all well arranged, and too much suppression of deeply seated feelings which everybody knows are at the bottom of our continued sectional differences. I would not welcome, and trust we will reasonably refrain from, impulsive and anonymous criminations and recriminations; but I think that at last some men on both sides are speaking out openly, earnestly, and I also hope, conscientiously, their utmost feelings and opinions.

Both of the North and of the South, sharers in the same greatest and sublimest national destiny, are as valuable as the fruitage of civilization among men, if we but wisely and righteously strive to-

gether to garner and secure it for ourselves and our children, what answer shall we give to the vital and momentous questions of the hour? Shall we wisely and charitably discharge the great trust divinely committed to our hands, pursuant to its eternal conditions precedent, ordained by the Supreme Law-giver, or meanly and unrighteously betrayed for a mess of pottage? To this omnipotent voice we must give faithful answer, whether we will or no. It cannot be by confession and avoidance; it must be by repentance, and a new birth, by honest profession of a righteous national creed, and by strict observance thereof in our national walk.

My purpose in presenting my views at this time, out of the ordinary current of this discussion, is to inquire into the abstract principles involved in the pending conflict of opinions and prejudices, rather than to attempt to add to the already extensive argument upon the concrete questions pending before us. In attempting, however, to discover the antagonistic spirit of these antagonistic political forces, I shall endeavor to exemplify, and, so to speak, to incarnate them, by examples illustrating the formulated policies of opposing political parties. I have supreme and abiding confidence in the ultimate reign of truth and right. For a time unrighteous usurpation may suspend it, but such usurping forces in history have ever been temporary only, and legitimate authority has ere long been fully recognized.

This world is a conflict, and civilization is its product. Law rules it, and the law-giver is before and above the law. The survival of the fittest is in the end the triumph of the best. Right sleeps, but never dies. True royalty is right-

eousness in man the individual, man the citizen, and among men the State. True manhood, therefore, is "the best fruit of the ages," and Christian civilization the best gift of time. But as no man by man begotten is without sin, no party or nation is above reproach. Man aspires more to conquer others than to rule himself, and self aggrandizement is the law of nature, of nations, and of political associations. If many join together for a common object, each inclines to pursue his own when that is attained.

The world is divided politically into nations, parties, and factions, and striving for its own object or opposing that of another. Hence the radical, the conservative. Too often a wicked cabal sits behind the throne in each, secretly using a specious platform for private and selfish purposes. In the end, thank God, the mask falls off, and the hideous man, the wicked cabal, the selfish faction, the unrighteous party, the unchristian nation, appears in the open light of public opinion, and comes to naught.

Trite as they may appear, I believe these truths have pertinence at the present hour. Over and over again in history they have ruled an epoch, but their complete and overruling force has never yet borne full sway. John said, "The kingdom of heaven is at hand," but the mandate of temporal authority imprisoned and beheaded him. Christ himself refused the office of temporal judgeship, and counseled obedience to the reign of Cæsar, under which he was crucified. His own chosen few, supposing his kingdom to be of this world, began early to plot for office, and ease, and spoils. Pilate found no fault in Jesus, but delivered him to the cross when the multitude clamored that without this he was no friend of Cæsar, whose commission he held! He was emphatically opposed to losing his official or his natural head, and consented to betray his Eternal King for fear of his earthly sovereign. It is ever so, thus far in time. "What o'clock?" says the king. "Whatever time your majesty pleases," says the courtier.

We are all, in some sense, I fear, the subjects or courtiers of some earthly sovereign, too often forgetful of our superior obligations to the King that never dies. Thus, two laws have force, two kingdoms are extant, in this earth; the one material and temporal, the other spiritual and eternal; the one expedient as man declares, superior for its day; the other right, as God ordains, supreme forever! Against the one, men, for just cause, appealing to the other, may rebel and triumph; against the other they must not contend, "lest haply they be found fighting against God, and come to naught!"

Entrenched never so strongly as human "constitutions," wrong must ever yield to this superior right and power, which is before and above them all, and the fiat of the Almighty Law-giver has its sway.

All constitutions grow, or simply declare a former growth, by symbols intended to be comprehensible to man; great principles, fixed and rational belief, and righteous faith, for which men have contended, suffered and died, or are henceforth willing to do so, are the only true and substantial foundations of organic law and human government. To formulate these principles, to symbolize this belief, and to incarnate this living faith for which men are willing to endure the cross, is the most gigantic temporal work required of the intellect and mind of man in any age and in every nation. Higher mission for these there is none on this earth, save that which enters within the veil in search of the hidden springs of eternal life! And between these two, finally, there is little difference.

Contending for such principles, struggling for the verification of such belief among men, and striving for the embodiment of such faith in a constitution of free government, our forefathers pronounced their creed in face of the divine right of kings, and for its fulfillment pledged and offered up their lives, their fortunes, and their sacred honor.

When, in the end, this creed became a living



sought to embody it in a written constitution. Of this, their work, William E. Gladstone, subject of the government against whom they rebelled, and among the wisest of statesmen, has recently said. \* \* \* \* Nevertheless, its theory of equal rights and freedom for all men was marred in its letter from the beginning, and has never, to this moment, been faithfully exemplified by our practice.

The word slave found no place in it, slavery was expressly recognized, and, as it has proven, almost irrevocably enshrined within it." The kidnapping of men, to make slaves under it, was expressly sanctioned. Every Northern man was at one time ready to see a law enacted under it to be a slave and denied the right to furnish a crust of bread to colored men, fleeing for liberty from its grasp. For three-quarters of a century husbands, parents, and children, whom nature's God had "joined together," were sold and separated at the auction block without mercy or remedy. By this outrage, by men named law, men were denied knowledge of the law divine, and upon the mount was made for the sealed book. Slaves were chased by whips, cruelly beaten, bruised, maimed, ordered, without punishment for their sins or murders.

Liberty of speech and of the press was so prevented interference with the "peculiar institution." It was made a crime by denunciation of Congress to speak against slavery. Every member of the government, which the fathers of the constitution had forever set apart to freedom, men who were conscientiously opposed to crime against nature, were for such cause, excluded from sitting on juries in the courts. As a test oath for you! Now it is considered offensive to permit the courts to say, in their creation, that men who fought to destroy government and to perpetuate slavery shall sit upon juries trying ex-slaves for offenses

charged against them. And this is a "war measure" which is to be stricken from the statute book as a "vestige" which "looked to the abridgement of the liberty of the citizen," and thus it is now proposed by the democracy "to celebrate her recovery of her long lost heritage." Verily, a fitting celebration for such inheritors!

All these things in our beloved country, under a Constitution founded upon the declaration "that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness."

The civilized world looked on with horror. Three generations of men came and went while this living, fearful shame and crime polluted the fair land of their birth. Ministers of the living Jesus desecrated the pulpit in its defense. Statesmen bowed the knee before it, and courted political honors for such mean submission. When a philosopher petitioned on his knees before Dionysius, he excused the act by the righteousness of his object. "It is not my fault, but the fault of Dionysius, that his ears are in his feet." The American "dough face" was *particeps criminis*, and therefore could not excuse, much less justify, his pusillanimity. Yet it is to such men that the gentleman from Mississippi has paid a high and deserved tribute upon the floor of this House in this debate. If he speaks of war Democrats, such as the lamented Dix, whose patriotic order of 1861 speaks forth from his new-made grave to-day, his living and dying faith, "If any man haul down the American flag, shoot him on the spot," we say with all our hearts, Amen; "they imitated the example of their old leader, Andrew Jackson." If, as I think, he speaks of the leaders of the peace Democracy who said, "There is no power under the Constitution to suppress the rebellion, and we will not vote a man or a dollar for the suppression of this nigger war," let the applause come as it did in this case from the Democratic

majority upon this floor, ruled and ignominiously led as it is, by the leaders of the late rebellion.

While for two generations the air of our mother country had been held too pure to be polluted by the breath of a slave, the atmosphere of this Republic grew foul and putrid with this infectious disease, and was finally purified and disinfected, or attempted to be, by the heroic sacrifice of the best blood, and uncounted millions of her treasure. This winnowing process is from above. Then again, in history, the sword of righteousness proved sharper than man's battle-axe of human authority. "Irrepressible conflict" went on, and "Higher law" had its sway.

How far forth? Thus far. The organic law which had so long refused to formulate the Great Idea of 1776 was literally amended in consonance with the voice of God, uttered for emancipation, and four million slaves were declared henceforth free men! This declaration, in harmony with that voice, is not fully realized. It must, and in God's way and time will, have full force and effect.

The Reformation landed at Plymouth Rock; it colonized free thought in New England and Westward had its empire, till every man and every State in the North was free; it set in motion the moral sentiment which alone made our late quarrel just, and brought victory for right, ordained by God, not expediency declared by man, at Appomattox. We of the North fought for union and the right, not for union with the wrong, which sought to destroy our very existence as a nation. The cause of the war which was lost became, how and by what means God knoweth, the object of the war which was gained.

Then reconstruction on this high basis. Again, what work for men! Men impassioned with the heat of that terrible strife; men crucified by the ordeal of that horrible wrong; men whose sons had fallen, whose daughters were widowed, whose wives grew gray with the awful weight

of grief when the battle raged, and fear of the last full measure of love's ordeal trembled in their souls, had charge of this great work; and yet charity, the sublimest of all gifts, and the wisest of all guides, in the endeavor, as Mr. Lincoln said, "to bind up the nation's wounds," ruled the hour, and sought a place in the hearts of those who had been wrongfully led to fight against charity, and in a wicked cause, for the destruction of their country. In the hour of victory Horace Greeley uttered the sublime sentiment, "Magnanimity in triumph." The first answer came: "Abraham Lincoln is assassinated." Still his cry was: "The greatest of all is charity." The manly sense of the men who fought for the "lost cause" condemned the wicked act of the assassin, as the soul of honor at the South spurned at the close of the war the craven spirit of the Copperhead; but at last it has allied itself with the only party in the North in which that spirit was enshrined.

In this process of reconstruction the divine guidance of charity was never disregarded. It found expression in law and policy which exacted no blood for the crime of rebellion, and which enforced no mean submission of the conquered. No higher exemplar of national magnanimity and liberality to the vanquished can be found in history. But it coupled divine justice to the oppressed, with divine mercy to the erring, and demanded the observance of the one with the reign of the other. "Universal amnesty and impartial suffrage," wrote Horace Greeley, and the Republican party enacted this theory into the laws of reconstruction. Amnesty is realized, and no one questions its continuance; free suffrage is the law, but is not the fact; the theory, not the practice. The grant of amnesty and full representation for the freed-men at the South has been accepted, and has resulted in a large increase of power to that section in the national government. Free suffrage, the inherent condition of this grant, has not been performed. It has been substantially

abrogated, and rendered void. I want no report of investigating committees to satisfy me of this fact. It is patent in the current history of the time.

Ku-Klux, white leagues, shot gun policy, persecution and murder of colored men, election frauds, and a most effective and systematic "bull-dozing" in many parts of the South, all attest it. The colored exodus of thousands fleeing from such persecutions, a most portentous and significant sign of the times, confirms it. "Let my people go," is a command of the divine law not yet obsolete. That is one "war measure" which cannot be repealed. That any cause to invoke it exists, is to be lamented. I would that none did exist. Every material interest, North and South, must suffer greatly if this movement shall continue, but the spiritual is above the material interest, and must be secure. Again, the "higher law" will rule in this conflict of "opposing and enduring forces." It is the same conflict of caste and tyranny under new forms against equal rights and liberty, as of old. "When we declared freedom universal among us, it did not exist." "Truth is the double of that which is," says Bacon. Therefore, this declaration to be effective, must go into act, must be realized in law, not simply made, but executed. The fact must become the complement and counterpart of its declaration. Were that the case, our greatest difference would be at an end, and all would be the better for it. "Sure I am that the Lord will avenge the poor, and maintain the cause of the helpless." "Except the Lord build the house, their labor is but lost who build it." "Every kingdom divided against itself, is brought to desolation."

Are we as a people still "divided" against ourselves? Are we still in danger of being brought to desolation? It behooves us, if possible, to find a truthful answer to this question. Let us follow the development of the "irrepressible conflict," and see whether it be not still impending over us.

In 1866 Alexander H. Stephens, Vice-President of the late Confederate States, in a speech delivered before the Legislature of Georgia, made a most startling declaration. I will not quote the words he used there, for I have not the slightest desire to stir up any bitterness, least of all to express any feeling of unkindness on my part toward the distinguished gentleman from Georgia, to whose utterances in this House I always listen with reverence, if not approval. I consider him a historic man of the age who never forgets the logic of the past, of which he is part, nor its connection with the living issues of the present, which he has done so much to define and keep alive. I pass them, because I accept them as a clear and earnest expression of his sincere belief, and as an exposition of the living faith of the ruling class at the South. I am not weak enough to admit that our countrymen of the South who endured the sacrifices of the late war so heroically did not, or still do not earnestly and sincerely believe in the ruling idea, as stated by Mr. Stephens, for which they fought and still contend. They grew up under, and into that belief. When they failed in their attempt to enact it into organic government they did not, by reason of that failure, cease to believe in it. Superior force even of conquering battalions cannot extinguish a spiritual belief; a belief so strong that it can never change.

Did the idea which caused secession die with the war, or does it now "look for its vindication and maintenance in the forum of reason and justice; in the courts and halls of legislation, instead of on the field of battle?" Let us see which.

In 1873 the Southern Historical Society was organized in Virginia; Jefferson Davis and many leading spirits in the late rebellion were present. Its object was stated by its general agent at considerable length.

Wade Hampton, in a speech before this society, so late as October, 1873, said:

\* \* \* \* "It is to those who come after us, to teach our children that their fathers were neither traitors nor Rebels; that we believed as firmly in the eternal Word of God, that we were in the right, and that we have a settled faith which no trials can shake, that in His own good time the right will be made manifest."

I quote now from an annual address by Gen. John S. Preston, of South Carolina, delivered before the alumni of the University of Virginia, July 1, 1875. Speaking of the Pilgrims who landed on Plymouth Rock, and the Cavaliers who landed in Jamestown, he said, among other things:

\* \* \* "Not space or time, or the convenience of any human law, or the power of any human arm, can reconcile institutions for the turbulent fanatic of Plymouth Rock, and the God-fearing Christian of Jamestown." \* \* \*

How to overturn the civilization of the North, to undermine and bury Plymouth Rock, and rear over its grave the goddess of the "lost cause," which is to be regained, he explains further on, ending with:

"But let your historians say we were not subdued when Lee surrendered his starvelings at Appomattox."

Thus, this descendant of the Cavaliers, who, he says, fought the battle of the Revolution, "to celebrate the gift of grace in the birth of Christ," sings the praises of the secession movement, the corner stone of which was African slavery, the highest type of civilization ever exhibited by man.

John Wesley characterized slavery as "the sum of all villanies." Thomas Jefferson, speaking of it, said, "I tremble for my country, when I reflect that God is just." The voice of God from the cannon's mouth spake it out of existence; yet it is coupled with "the gift of grace in the birth of Christ," as a memorial lesson in this "foremost school of letters, science and philosophy in the New World," so late as the 1st of July, 1875.

At a re-union of the late Rebel army of Tennessee in 1878, Jefferson Davis was present, and in the opening prayer, by Rev. Dr. Witherpoon of New Orleans, the following invocation was offered up:

"We invoke thy blessings upon him who stands as the head and representative of a lost cause in fact, but we trust not in our hearts lost, or in the hearts of thousands of those who are not bodily present to-day."

Mr. Davis delivered an address, giving a plain, defiant definition of the asserted right of secession by "the head and representative of the lost cause," in fact, made publicly, before men who fought for it full thirteen years after it was shot to pieces by the soldiers of the Union. Even now, this arch traitor says, that for a citizen of any State in this Union to "refuse to defend it" against the army of the United States, when "invaded" for defense of the Union, "would be treason." This is the theory upon which the rebellion was waged, but we of the North had supposed that it was extinguished by the arbitrament of the sword. If that war meant anything, it means this; and yet we have heard the same doctrine announced by the gentleman from Mississippi, the friend and coadjutor of Mr. Davis in the rebellion, on the floor of this House within the last two years. What I ask, in this view, is to prevent a new rebellion for the same or for any other cause. Did the war utter no voice against it? Did the sword, dripping with the blood of men who fell fighting for the Constitution, write no legible hand for the Union?

In view of this survival of "the lost cause," and revival of this active and still living spirit of secession, I do not wonder the question is now mooted. "Wherefore the war?" The Democratic party now rules both Houses of Congress. Nearly two to one of the Democrats in each House come from the South; therefore, the solid South rules the Democratic party, and Southern supremacy stares us in the face in the nation. This is a momentous and portentous event which I trust Northern people begin to understand.

In this connection the little poem, "My Child's Question," expresses, I believe, a widely-extended feeling at the North to-day. All during the war, every effective measure for the suppression

of the rebellion was opposed by leading Democrats at the North as unconstitutional. Democrats at the South opposed them in a more heroic manner. The one, however, was the ally and complement of the other. Hence I do not wonder that Rebels and Copperheads have united, and striven together in time of peace to rule the nation, which they could not together destroy in time of war.

In my own State the Supreme Court, having a majority of Democratic judges at the time, decided the draft and legal tender laws unconstitutional in the midst of the war. Without men, and without money, the Union must have been destroyed. That decision was reversed by the election of a Republican judge.

During the war the Senate of Pennsylvania was at one time composed of seventeen Republicans and sixteen Democrats. General White, now a member of this House, was one of the Republicans, and Heister Clymer, also of this House, one of the Democrats. General White was taken prisoner by the Rebels before he took his seat, and for months those sixteen Democrats held the Senate in a dead-lock, and prevented the organization of the Legislature, at a time when its services were greatly needed in defense of the Union. The Confederates and Copperheads captured the Senate of Pennsylvania that time, and paralyzed the arm of that great State for a season, just as they are now striving together to capture the nation. But those sixteen uncompromising Republicans stood unflinchingly by the loyal people of the State, holding the Rebel allies in check until the resignation of General White was sent secretly through the Rebel lines, the people elected another Republican in his place, the Legislature was organized, and the loyal heart of that great Commonwealth again beat in unison with the pulse of the nation!

Again, in the darkest hour of the war, while thousands of Republican voters were in the Union army, the Copperheads and peace Dem-

ocrats of Pennsylvania controlled the Legislature of that State, and chose Chas. R. Buckalew Senator of the United States. For six years the voice of that Commonwealth was paralyzed by his votes upon all the important war and reconstruction measures of the Union Congress. The Legislature was terrorized by the presence of roughs and repeaters from Philadelphia in the interest of the peace-at-any-price-Democracy, lest a war Democrat, or a Republican, should be elected Senator. Subsequently, the Republicans favored the right of citizen soldiers to vote while in the army, and the peace Democracy of the State opposed it throughout. The war Democrats stood by the Union and from that day to this, the Legislature of that State has never been controlled by the Democracy. Thus, at every point, the peace Democracy, domineered and controlled by the spirit of secession under the lead of the Copperheads, gave aid and encouragement to the rebellion by every means within its power.

While Grant was clutching the rebellion by the throat in its final struggle, and Sherman was cutting out its vitals on the march to the sea, this same Democracy, led on by its highest and vitalizing hope of dough-face supremacy, assembled in Chicago by the great lakes, and there, encouraged by the presence of leaders of the "Sons of Liberty," and the "Knights of the Golden Circle," and confirmed by the counsel of Rebel emissaries in Canada, who had been conspiring with Northern Rebels to set fire to Northern cities, in the faces of their struggling countrymen of the North, and before the civilized world in history, declared that the war for the Union was "a failure!" Thus they sought to justify and to confirm the success of the war for secession.

When the news of the "Chicago surrender" reached Daniel S. Dickinson, the great war Democrat of New York, he put and answered the question which it suggested, in the first line of a poem which expressed the indignation of

every loyal man at the North, whether Democrat or Republican:

"Am I for peace?"

Yes! for the peace that speaks out from the cannon's mouth."

There was then an uprising against this new phase and counterpart of the rebellion throughout the whole of the mighty North, such as had not been seen since the flag was first fired upon. The people rallied to the standard of Abraham Lincoln, the good, the true, the brave and unfaltering friend of man and of his country, and by his election again, declared with Jackson, "The Union must and shall be preserved."

This was the answer of the loyal North to that shameless offer of opposition to further war for the Union. It substantially closed the war. And to-day there would be no doubt of the full, complete, and final security of all the fruits of that war, but for a similar antipathy and opposition to them still existing at the North. And this it is, that, added to its living cause at the South, still keeps the Ship of State—of the new state of freedom, equal rights, and equal opportunity for all men—floundering in a deep and troubled sea.

The great heart and good sense of the North holds no animosity against the South. The most radical Republicans among us are the most ardently and wisely conservative in this respect. They demand, and would receive, no mean submission from the South. They insist only upon full and absolute security for the Union under its new law of freedom. This they know, and all honest men must admit, is wanting. They will adhere to this creed, for they believe it to be founded in the supreme and eternal law of justice and right, and sanctioned by Him who suffers no breach of any law to go unpunished, either for those who commit, or who fail to resist it.

How came about this alliance between the spirit of the late rebellion and its counterpart at the North? Simply by the natural attraction of

kinship which I have in some manner defr and exemplified. I speak not now of war Democrats who hold their allegiance to the Union sacred. In this connection I am seeking or to measure the strength of that spiritual force among us which gives importance to the Calhoun idea. The war Democracy is as much ever against any supremacy of "the converted right of secession," and any capture the capital for the "lost cause." In the first struggle between the two spiritual forces I have tried to delineate, that element will stand for the new Republic. It will stand there by force of similar law to that which will unite honest money Democrats and honest-money Republicans against all assaults upon the honor and good fame of the Republic. The truth is, that the union between the Northern and Southern Democrats upon the basis of the Calhoun idea of State sovereignty, never ceased during the war. The cheers which answered back Chicago from the Rebel ranks expressed a hope on the part of the South for reconstruction on the basis of "The Constitution as it was." "The Constitution as it was" meant, in their belief, "a compact between sovereign and independent States, each having the right to secede from the Union," as Mr. Davis still holds, and as all the Southern leaders still teach, "As an inherent attribute of State sovereignty."

The Chicago declaration in 1864 for a "cessation of hostilities," contemplated a treaty of peace; and the moment such treaty should be entered upon, that moment the idea of State sovereignty would be recognized, and once recognized, it would never be surrendered. Failing in that, when the Rebels laid down their arms and were permitted to go in peace, the Republican or national theory, that the Union is indissoluble and perpetual, was pretended to be accepted as the next line of battle; and upon this theory old-line Democrats, North and South united at the close of the war, and stand united to-day.

presented the case to us in this manner: "no State has the right to secede, and war to coerce secession; you fought to preserve the Union, and you succeeded; therefore, if a State went out of the Union, although it attempted to do so, and each is still in the Union, and so must remain. Upon this theory Andrew Johnson, although he had at first said that the rebels "must take back seats in the work of reconstruction," finally stood impregably with the Democratic party, and insisted that all the States were in the Union at the close of the war, and entitled to representation in Congress the same as the others. The Democracy of Pennsylvania so declared in State Convention. Democratic orators and papers all over the North called the national Congress "impotent," and disputed its authority to legislate upon the subject of reconstruction.

Congress did legislate, however, and succeeded in getting the readmission of Senators and Representatives of the South, except upon conditions prescribed by law after the war. Then the cry of coercion and "distress of the Southern States" was again raised. The words of a gentleman from Mississippi uttered in this House on the first day of the present month were a strong indictment, if true. At all times it puts upon record that gentleman's words and shows quite clearly, I think, how friendly and congenial the alliance between the Democrats and Rebels was during the war, and that that law of affinity by force of which they have been united ever since.

During the continuance of Andrew Johnson's administration, the Republicans had force enough

to pass laws over his vetoes, and a vital fever seized the reunited Democracy to get possession of the government. The large majority in the Senate could not be overcome for many years even if that party should succeed in 1868 in the election of a President, and a majority in the

House. It was necessary in some way to turn out the Senators who had been chosen by the Republicans (mostly colored people) from the South, and Major-General Francis P. Blair invented a short cut to this end. It was laid out on the theory I have stated, that the reconstruction acts were authorized by the Constitution, and therefore of no effect. These laws once out of the way, the white people who were entitled to vote under the old Constitutions, South, would have control, and would drive out the reconstruction Senators, and put others in their places who adhered to the theory of State sovereignty. Soon after Mr. Blair's letter on this subject (June, 1866,) to Mr. Broadhead, the Democratic National Convention assembled in New York City, and nominated Mr. Seymour for President, and Mr. Blair for Vice-President.

Wade Hampton, who was present at that convention, made a speech on his return to Charleston, South Carolina, in which he said that the readers of the Democracy "declared their readiness to give us (the Southern wing) everything we could desire, but they begged us to remember that they had a great fight to make at the North." Hence it was necessary to keep the wolf's paws covered. This hiding of the "cloven-foot" policy has been skillfully managed until recently; latterly the wolf has grown restive, and for some time growls were heard from beneath the coverlets. Afterward the covering began to show signs of animation; recently a paw was reached out to "compel the Senate to submit," and since the Senate was ravenously seized on the 4th of March last, a spring has been made in the direction of the White House. At last accounts some clamor and complaint have been heard from outside parties who will take charge of the menagerie in 1880, and the claws have been carefully drawn in, preparatory to an early covering up for a short nap—long enough to get a good ready for another spring. The project of 1868 did not succeed. No more will that of 1872.

To show the interpretation placed upon the Democratic platform of 1868, I refer to a speech of Robert Toombs, of Georgia, formerly a United States Senator, who is reported to have once said that the time would come when he would call the roll of his slaves in the shadow of Bunker Hill monument. His speech is stalwart and to the point, as everything Mr. Toombs says or does is. I understand Mr. Toombs, like Mr. Davis, to be irreconcilable and unwilling to ask to be relieved from the disability imposed by the Constitution for his part in the rebellion.

I quote the following from a speech of Hon. B. H. Hill, now a distinguished Senator from Georgia, which was received by his audience with "wild cheers:"

"This shall be forever a Union of equal States or no Union at all. Men of pride, men of character, women--thank God, without a dissenting voice, and even children in their play-grounds, are proclaiming on hill-top and in the valley that those whom God made superior shall never be degraded."

These were the principles, this the spirit and policy of the Democratic party three years after the close of the war. The object was to nullify all the measures and tendencies of the time which grew out of the war, looking to the ratification by civil process of the emancipation of a race, and the obliteration of all claim thenceforth of the right of State sovereignty. True it is, that the former of these, emancipation, has been written in the Constitution, but the latter, if, as the greatest men of the Democratic party still claim, it ever existed, State sovereignty has not been prohibited therein. The latter, then, still lies in dispute, and remains mere matter of construction. I believe the Supreme Court has more than once sustained the constitutionality of reconstruction; but the court cannot make, it can only declare the law, and judicial precedents are not absolutely controlling. With this "right" still in controversy, and with a great people like the South using every instrumentality to inculcate the principles which underlie it into the mind of coming generations, it will in my judg-

ment, if not soon exterminated, at some future time take form as a national belief, and find forcible expression again for organic existence. No man can foresee the differences which are likely to arise among a people scattered as we are over such a vast territory, with such variety of soil, of climate, of national productions, and of intellectual and moral temper and tendency. We are not by any means a homogeneous people. We are fast becoming heterogeneous in many things and in many directions which have lain at the foundation of human strife and wars. (Quotes Hegel on this subject.)

To me the Southern idea is objective. I look without and behold it from the time when it was "precisely in a minority of one" in its defined form in the mind of John C. Calhoun, thenceforth growing in the minds of many till it made its first assault upon the nation by nullification in South Carolina, and on to 1861 when it had drawn to itself a host, and united the Confederate States in its last forcible attack upon my country. The Northern idea to me is subjective. I look within and realize it in my own inmost being as the soul of the National Union, without the supremacy of which we shall cease at no distant time to be a united nation.

What now is the spirit and substance of the time in the pending discussion? Mr. Beck, representing the Democratic Conference Committee of the Senate in the last Congress, has presented the issue to us.

Standing upon this platform the Democrats in both Houses refused to pass appropriation bills, making appropriations for the army and the legislative, executive and judiciary departments of the government. Without these appropriations the government must stop after the 30th of June next. Bills were offered by Republicans in both Houses at the last Congress, providing for these appropriations with no new legislation in them, and the Democrats indignantly refused to consider them. Mr. Foster of Ohio, proposed the one in this House, and said



Republicans would agree to its passage in both Houses. The reply came quickly seriously from Mr. Southard, who had Democratic side, "It will not pass." I simply provided for a continuance the next fiscal year of the same appropriation that had been made by the Democrats current fiscal year. It did not pass, for, more than once suggested by Democrats, it was not passed, an extra session would be held, and at such session they could convene the Senate as well as this House, and would "ride" to the riders they had attached to the bills. Thus the threat was distinctly to coerce the President in the exercise of his duty as to his duty, when the bills shall be presented to him for his approval or his dis-

The Constitution provides in relation to this as follows: \* \* \* "If he approve, he shall sign it, but if not, he shall return it with his objections." To withhold the appropriations the President shall be compelled to consent to address of grievances," even if any executive I deny, would be to force the President to sign a bill which, if he shall not approve, is expressly required by the Constitution and to "return with his objections." The Constitution says, "If he approve, he shall sign it." This disorganic attempt to destroy the independence of the Executive, would require a breach of his oath of office, to "sign" a bill which he does not "approve," if, upon reflection, it should be objectionable in his opinion. Such coercion of the President would be not only unconstitutional and revolutionary, but, in my judgment, be a breach of the duty of every Senator and member of Congress, who should insist upon it, and adhere to it till the government should be left without the means of support. The oath we take us to "support the Constitution," not to support it without support. The latter would be a violation; and a faithless, treasonable Con-

gress can no more destroy this government by abdication, than a faithless king could destroy the government of Great Britain by abandonment. When King James deserted his office, the throne was declared vacant by the two Houses of Parliament, and a new sovereign was chosen in his place. Congress is not the government; it is only the voice of the people in proposing laws for their approval, on second thought, through the President. The President represents the people in a high and important sense.

No doubt many men voted for President Hayes, who did not vote for any member of this House. Many place great reliance, for instance, upon his well-known opinions on finance, and they know that he will express their will finally upon financial measures. They had the right to abstain from voting, relying upon him as their representative in the process of legislation. Therefore, this Congress may not represent all the people who are represented as to their legislative will. This Congress does not alone represent any of the people as to that will. The President jointly, and necessarily, represents all *sub modo*, and many, it may be absolutely, as their sole reliance. There is in this country no "omnipotent power of Parliament," in either branch of the government. Ours is a government of prescribed, defined, and limited powers, rights, and duties vested in each department severally, and the independence of each branch within its defined sphere of action or non-action is absolute and unquestionable. Neither may one say to another, Do this thing. When that shall be said by either to another, and be obeyed, organic government that moment ceases.

This, Mr. Chairman, was, and is, the issue presented to us. The false pretense that the Republican party is opposed to these measures as revolutionary, because they are tacked to appropriation bills, simply is too shallow and absurd to deceive anybody. That was understood

in Congress at the time, and the House cannot come to a decision upon them before the people. It was, and is well understood by us and by them, that in this instance these riders were attached to the appropriation bills for the very purpose of forcing them into the law, whether the President shall approve them or not. If our Democratic friends do not mean to insist upon, and "adhere" to them for this purpose, why have they not accepted, why do they not accept, the Republican proposition often made, to consider each separately, and let all depend upon their merits? If this is not the object, why all the travail and worry of caucus after caucus, not only as to their substance, but as to method of proceeding? If this is not the object, we could pass all these bills in a day by common consent, and they could be signed or disapproved, and finally disposed of within a week, and we be out of this city, and away to our homes, where the voice of the people unmistakably says we belong? Why this extra session, with all its extra expense, its heated discussion, this worry and pestering of business, and, what is worse, the inevitable growth of sectional feeling which must flow from it?

Every indication of the spirit and purpose of the Democracy, domineered and controlled as it now is by the same arrogant assumption of Southern superiority as of old, warns that people who fought the battles of the Union, that it is unwise and unsafe alike for all sections, and all the people, to permit a single one of those war measures to be repealed in the manner and temper now proposed and exhibited before us. For my part, I should oppose this assault thus made in every instance, without regard to the substance of the laws, which a secret Democratic conclave, made up of organic committees of each House, has said we shall repeal. It is wise and patriotic to meet at the threshold, every attempted usurpation of legislative authority coming from such a source, for the avowed purpose of attacking the independence of members

of Congress, and admitted to such conference, and intended as is this, to destroy the independence of the Executive.

Senator Thurman said in the last Congress, that this warfare is to continue till this House, which has the sole power of originating money bills, shall be supreme for the "redress of grievances," and he prophesied that it will not cease till he and his co-laborer of the Senate shall be in their graves. We who stand for organic government, as founded by our fathers, accept the gage of battle, and will abide by its issue. We do this, not to destroy, but to defend and preserve the Constitution of our country as we understand it. To do less in this emergency, would be to deserve and receive the contempt and condemnation of the loyal and liberty-loving people of our whole country.

Sir, what are some of the war measures which have already been proposed to be "stricken from the statute book," by this domineering Southern aristocracy? The army bill recently passed by this House contained a clause which prohibits promotion of Union officers now in the army in certain cases. The operation of this amendment will be to reduce the official muster roll of the army, and looks to vacancies to be filled, if thought proper hereafter. The gentleman from Virginia has invented a way to fill them, and he proposes an amendment to that bill to strike this "war measure from the statute book." Union officers must not be promoted, Confederate soldiers may be appointed.

The Chairman of the Committee on Pensions in the Forty-fifth Congress, reported a bill on the 13th of February, 1878, to repeal section 4716 of the Revised Statutes. This law was passed to prevent payment of pensions to Rebels in arms. The same bill also contained a new section, demanding that the names of such be returned to the pension roll, etc.

Had these changes been made, the late Rebels, including Jeff Davis, would be again entitled to pensions for services in the Mexican

war. In the Senate, at the close of last session, a vote was taken upon the question of pensioning Jeff Davis, and every Democratic Senator, who voted, voted to pension him; every Republican against it. The Senate was then Republican, now it is Democratic. What sane man on either side could have believed this possible fifteen years ago? I did not one year ago, yet so it is. For my part I think it will be time for us to pension Rebels who fought against the government, after they shall have proven the strength of their patriotism by fighting for it, if, unhappily, any of us shall be called upon to do so.

In the last Congress, an attempt was made to repeal an old statute of the United States, which provides for the trial of United States officers charged with offenses alleged to be committed by them in the discharge of their official duty, in the courts of the United States. That proposition was carried through this House by Democratic votes. Thus an attempt was made to remit the officers of this government who are employed in enforcing its laws, to trial in the State Courts. The purpose of this was to leave such officers without the protection of the government they are required to serve, and to put them at the mercy of packed and prejudiced juries at the South. Again, State sovereignty was invoked by the Democracy to practically nullify the laws of the United States. This was near the adjournment one year ago, and it was not many weeks before a case arose in South Carolina, where revenue officers were resisted in the discharge of their duties, and compelled to use arms in their defense. They were arrested and committed to prison under State laws, and held prisoners for some time in defiance of the laws of the United States. At first, the State Court refused to obey a writ of *habeas corpus* issued from the United States Court, when the Attorney-General of the United States interfered, and finally the writ was obeyed under protest. A section relating to the use of the army as a *posse comitatus* was forced into a gen-

eral appropriation bill by the Democratic House, in the Forty-fifth Congress, and, although it was strenuously opposed by the Republicans, it became a law on the 18th of June, 1878, having been presented to the President only two days before final adjournment.

It is notorious, that neither the Constitution nor any act of Congress, upon the statute book, prior to 1861, "expressly" authorized the use of the army to suppress the rebellion. James Buchanan and Attorney-General Black held that no power to use the army for that purpose existed at that time. Had this penal statute existed in 1861, Abraham Lincoln would have been held by strict constructionists liable to impeachment, for using the army against the Southern rebellion. The provision as passed by the Democratic House, did not contain the word "Constitution;" that was inserted by the Senate, then Republican.

It was not my purpose to discuss the constitutionality of the laws proposed to be amended, nor to any considerable extent the merits of those amendments. Others have done this at great length, and with consummate ability. I am content to stand upon the argument and reasons given by others against this assault upon the freedom and purity of the ballot-box. In the face of frauds perpetrated by Democrats in the past, in Northern cities, and the force and fraud used by their allies at the South, to nullify the right of colored Republicans to vote, I shall not consent to the removal of any safeguards thrown around the ballot-box, intended to prevent such frauds or force anywhere.

I favor no forcible or other interference with the right to vote, but advocate the employment of all the means, and the exertion of all the power, necessary to secure the free exercise of that right. It will be time to withdraw these, when the Democratic frauds and Confederate bulldozing shall cease. The necessity for national regulations or congressional elections is apparent from current history to all honest men.

I believe that if there be one thing which the people of the North now mean to insist upon by all means within their power, and with all the strength of united opinion, it is that the freedmen of the South especially, and all citizens,

shall have an open way to the polls, and an equal, unintimidated voice in the ballot-box. This can injure no man; it will simply do justice to all, and secure the highest right of the citizen to many who are now denied it.







ROSCOE CONKLING.

ENGRAVED FOR ORATORS AND ORATORY, BY BRADY, PALMER & CO., PUBLISHERS.

## ROSCOE CONKLING.

ROSCOE CONKLING was born at Albany, New York, October 30, 1829. His father was a well educated man, a lawyer by profession; served in Congress one year from 1821 to '23, was judge of the district of New York, and, in 1847, minister to Mexico. The son, may be said to have been bred to the law.

He received a liberal education, studied law at Utica in 1846; entered the practice of his profession, and on the 1st of April, 1850, was appointed Attorney for Oneida county, where he has not yet twenty-one years.

In 1853 he was elected mayor of Albany; the same year chosen to represent the district in Congress; was re-elected in 1860; failed of an election in 1862; was chosen again in 1864, over John A. Kernan, by a majority of 1200. In 1866 he was again re-elected, and on the 15th of January, 1867, he was elected to the United States Senate, to succeed John A. Harris, and took his seat in March of the same year. He was

unanimously renominated in 1873, and almost unanimously re-elected; in 1879 he was again re-elected, but resigned his seat on the 16th of May, 1881. Such, in brief, is a chronological outline of the great New York Senator's life, yet it gives but little idea of the importance of his work.

A review of his labors while in Congress would show how watchful he has been of all measures passed upon by that body during his public career. He has been vigilant in looking after the minor items of seemingly unimportant measures, as well as the leading features of the most important measures proposed.

Many places, where his finger-marks are found in suggestions and amendments to bills relating to courts, trials, and legal practice, show that the eye of an able, practical lawyer was overlooking the work, and using his hand in directing to right measures. The bill providing for the taking of the census of 1880 found in him its leading champion on the floor of the Senate. His work in favor of the repeal of the franking privilege shows how tenaciously he holds to

his purpose in a good work. Replying to Senator Sumner, who had said, "The bill in charge of my friend, for the abolition of the franking privilege, can wait a few days," Mr. Conkling said: "I have been voting now for ten years for the abolition of that practice, as often as the opportunity offered, and during that time I have waited in vain to come to that day when, all things considered, the appropriate time had arrived to act upon it." The bill passed, but there was another measure following which received his opposition; it was the "salary grab." This he fought with all his skill and power; but it finally became a law. The succeeding session, Mr. Conkling introduced, and pressed to its passage, a measure which repealed that act.

When the attempt was made to so amend the homestead law as to prevent soldiers from taking land wanted by railroad companies, he opposed it so successfully as to prevent its passage. His own words best define his connection with legislation on the Union Pacific railway matters. He says: "I offered a resolution to bring this corporation away from the Interior Department, when I was informed it was about, without the knowledge of the Senate or House, to stop and entangle the government, and receive money which, in the judgment of a large body of the House of Congress, was never due. It was to arrest that proceeding, to call a halt, that I introduced this resolution."

In his opposition to this attempt of a powerful corporation to take moneys and lands not belonging to, or due them, he was also successful. He was an earnest and consistent opponent to all grasping monopolies, as will be clearly seen from the above instance.

In 1876 Mr. Conkling was a prominent candidate for the Presidential nomination before the Cincinnati convention, but was unsuccessful. During the campaign which followed he made one or two public addresses in favor of Mr. Hayes' election, being prohibited by his physicians from doing any work. He was for more than twelve weeks confined to a darkened room, and suffered greatly, being in danger of losing his eyesight.

In 1880 he was in favor of the nomination of General Grant, and was the acknowledged leader of the Grant delegates. His ability as an organizer and leader was admirably shown during the protracted struggle in the Chicago convention. He held his men together unmoved when the tide rushed irresistibly by, which nominated Garfield, and then quietly and coolly moved that the nomination be made unanimous. It was a triumph of generalship when the friends of General Grant wheeled into line in solid column, and cheered for the new name.

During the campaign which followed, he entered heartily into the work in numerous addresses in New York, Ohio,



and Indiana, advocating the election of Mr. Garfield.

When President Garfield sent to the Senate, March 24, 1881, the name of William H. Robertson, for Collector of the Port of New York, Mr. Conkling strongly opposed his confirmation; and, when the nomination was finally confirmed, the result was so distasteful to the Senator that he resigned his seat in

Congress, as did also his colleague, Mr. Platt, and appealed to his constituents for a vindication. After a protracted struggle in the New York Legislature, both Senators were rejected, and Messrs. Lapham and Miller elected as their successors.

Mr. Conkling has no superior as a polished and eloquent orator, and wherever he speaks multitudes go to hear him.

## DUTIES AND DANGERS OF THE HOUR.

*Mr. Conkling's Speech, delivered at the Extra Session of the Senate, April 24, 1879.*

MR. PRESIDENT: During the last fiscal year the amount of national taxes paid into the Treasury was \$234,831,461.77. Of this sum one hundred and thirty millions and a fraction was collected under tariff laws as duties on imported merchandise, and one hundred and four millions and a fraction as tax on American productions. Of this total of \$235,000,000 in round numbers, twenty-seven States which adhered to the Union during the recent war paid \$221,204,268.88. The residue came from eleven States. I will read their names: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia. These eleven States paid \$13,627,192.89. Of this sum more than six millions and a half came from the tobacco tax of Virginia. Deducting the amount of the tobacco tax in Virginia, the eleven States enumerated paid \$7,125,462.60 of the revenues and supplies of the Republic.

The laws exacting these few millions from eleven States, and these hundreds of millions from twenty-seven States, originated, as the

Constitution requires all bills for raising revenue to originate, in the House of Representatives. They are not recent laws. They have been approved and affirmed by succeeding Congresses. The last House of Representatives and its predecessor approved them, and both these Houses were ruled by a Democratic Speaker, by Democratic committees, and by a Democratic majority. Both Senate and House are Democratic now, and we hear of no purpose to repeal or suspend existing revenue laws. They are to remain in full force. They will continue to operate and to take tribute of the people. If the sum they exact this year and next year shall be less than last year, it will be only or chiefly because recent legislation favoring Southern tobacco-growing regions has dismissed twelve or fourteen million of the annual tax on tobacco.

This vast revenue is raised and to be raised for three uses. It is supplied in time of severe depression and distress, to pay debt inflicted by rebellion; to pay pensions to widows, orphans and cripples made by rebellion, and to maintain

the government and enforce the laws preserved at inestimable cost of life and treasure.

It can be devoted to its uses in only one mode. Once in the Treasury it must remain there useless until appropriated by act of Congress. The constitution so ordains. To collect it, and then defeat or prevent its object or use, would be recreant and abominable oppression.

The constitution leaves no discretion to Congress whether needful appropriations shall be made. Discretion to ascertain and determine amounts needful, is committed to Congress, but the appropriation of whatever is needful after the amount has been ascertained, is commanded positively and absolutely. When, for example, the constitution declares that the President and the judges at stated periods shall receive compensation fixed by law, the duty to make the appropriations is plain and peremptory; to refuse to make them, is disobedience of the constitution, and treasonable. So, when it is declared that Congress shall have power to provide money to pay debts, and for the common defense and the general welfare, the plain meaning is that Congress shall do these things, and a refusal to do them is revolutionary, and subversive of the constitution. A refusal less flagrant would be impeachable in the case of every officer and department of the government within the reach of impeachment. Were the President to refuse to do any act enjoined on him by the constitution, he would be impeachable, and ought to be convicted and removed from office as a convict. Should the judges, one, or some, or all of them, refuse to perform any duty which the constitution commits to the judicial branch, the refusal would be plainly impeachable.

Congress is not amenable to impeachment. Congressional majorities are triable at the bar of public opinion, and in no other human forum. Could Congress be dissolved instantly here as in England, could Senators and Repre-

sentatives be driven instantly from thence by popular disapproval, were they at present somewhere, there would be no bravery, if not less of guilt, in a disavowal of their sworn obligation. Legislators are bound by their honor and their oaths; and with impunity and exemption they enjoy measures their obligations, and the odium of violating them. Because of the tenure by which the members of each hold their places and their trusts, in harm may come of their acts and omissions before they can be visited with even punishment, and before the wrong they do can be done. A congressional majority is all safe during its term, and those who enjoy such impunity to exist in the frame of government, must have relied on the enormity of the turpitude of the act to deter the representatives of the people and the representatives from betraying a trust so exalted and sacred as their offices imply.

Mr. President, it does not escape mention, as it must occur to those around me in ordinary times obvious aphorisms, say truisms, like these would be needless out of place in the Senate. They are not now because of an occasion without example in American history. I know of no instance in British history. Could one be found it would only mark the difference between hereditary monarchy without a written constitution, and a free republic with a written charter plainly defining from the beginning the powers, the rights, and the duties of each department of the government. The near approach in English experience to the conditions which now menace this country gild with broad light the wisdom of the system established to exempt America ever from the struggles between kings and liberty, between aristocratic pretensions and human rights, which in succeeding centuries had checkered and begrimed the an-

great Britain. It was not to transplant, but to leave behind and shut out the usurpations and prerogatives of kings, nobles, and gentry, and the rude and violent resorts which, with varying and only partial success, had been matched against them, that wise and far-seeing men of many nationalities came to these shores and founded "a government of the people, for the people, and by the people." Such boisterous conflicts as the Old World had witnessed between subjects and rulers—between privilege and right, were the warnings which our fathers heeded, the dangers which they shunned, the evils which they averted, the disasters which they made impossible so long as their posterity should cherish their inheritance.

Until now no madness of party, no audacity or desperation of sinister, sectional, or partisan design, has ever ventured on such an attempt as has recently come to pass in the two Houses of Congress. The proceeding I mean to characterize, if misunderstood anywhere, is misunderstood here. One listening to addresses delivered to the Senate during this debate, as it is called, must think that the majority is arraigned, certainly that the majority wishes to seem and is determined to seem arraigned, merely for insisting that provisions appropriating money to keep the government alive, and provisions not in themselves improper relating to other matters, may be united in the same bill. With somewhat of monotonous and ostentatious iteration we have been asked whether incorporating general legislation in appropriation bills is revolution, or revolutionary? No one in my hearing has ever so contended.

Each House is empowered by the constitution to make rules governing the modes of its own procedure. The rules permitting, I know of nothing except convenience, common sense, and the danger of log-rolling combinations, which forbids putting all the appropriations into one bill, and in the same bill, all the revenue laws, a provision admitting a State into the

Union, another paying a pension to a widow, another changing the name of a steamboat. The votes and the executive approval which would make one of these provisions a law, would make them all a law. The proceeding would be outlandish, but it would not violate the constitution.

A Senator might vote against such a huddle of incongruities, although separately he would approve each one of them. If, however, they passed both Houses in a bunch, and the executive found no objection to any feature of the bill on its merits, and the only criticism should be that it would have been better legislative practice to divide it into separate enactments, it is not easy to see on what ground a veto could stand.

The assault which has been made on the executive branch of the government and on the constitution itself, would not be less flagrant if separate bills had been resorted to as the weapons of attack. Suppose in a separate bill, the majority had, in advance of the appropriations, repealed the national bank act and the resumption act, and had declared that, unless the executive surrendered his convictions and yielded up his approval of the repealing act, no appropriations should be made; would the separation of the bills have palliated or condoned the revolutionary purpose? In the absence of an avowal that appropriations were to be finally withheld, or that appropriations were to be made to hinge upon the approval or veto of something else, a resort to separate bills might have cloaked and secreted for a time, the real meaning of the transaction. In that respect it would have been wise and artful to resort to separate bills on this occasion; and I speak, I think, in the hearing of at least one Democratic Senator, who did not overlook in advance the suggestion now made. But when it was declared, or intended, that unless another species of legislation is agreed to, the money of the people, paid for that purpose, shall not be used

to maintain their government and to enforce the laws—when it is designed that the government shall be thrown into confusion, and shall stop unless private charity or public succor comes to its relief, the threat is revolutionary, and its execution is treasonable.

In the case before us, the design to make appropriations hinge and depend upon the destruction of certain laws is plain on the face of the bills before us—the bill now pending, and another one on our tables. The same design was plain on the face of the bills sent us at the last session. The very fact that the sections uncovering the ballot-box to violence and fraud, are not, and never have been separately presented, but are thrust into appropriation bills, discloses and proves a belief, if not a knowledge, that in a separate bill the executive would not approve them. Moreover, both Houses have rung with the assertion that the executive would not approve in a separate measure the overthrow of existing safe-guards of the ballot-box, and that should he refuse to give his approval to appropriations and an overthrow of those safeguards linked together, no appropriations should be made.

The plot and the purpose then, is by duress to compel the executive to give up his convictions, his duty, and his oath, as the price to be paid a political party for allowing the government to live! Whether the bills be united or divided, is mere method and form. The substance in either form is the same, and the plot if persisted in, will bury its aiders and abettors in opprobrium, and will leave a buoy on the sea of time warning political mariners to keep aloof from a treacherous channel in which a political party foundered and went down.

The size of the army and its pay have both been exactly fixed by law—by law enacted by a Democratic House, and approved by a second Democratic House. It has been decided and voted that the coast defenses and the Indian and frontier service require a certain number

of soldiers; and the appropriations needed for provision and pay have been ascertained to a farthing. Nothing remains to be done, but to give formal sanction and warrant for the use of the money from time to time. This was all true at the last session. But a Democratic House, or more justly speaking the Democratic majority in the House, refused to give its sanction, refused to allow the people's money to reach the use for which the people paid it, unless certain long-standing laws were repealed. When the Senate voted against the repeal, we were bluntly told that unless that vote was reversed, unless the Senate and the executive would accept the bills, repealing clauses and all, the session should die, no appropriations should be made, and the wheels of the government should stop. The threat was executed; the session did die, and every branch of the government was left without the power to execute its duties after the 30th of next June.

We were further told that when the extra session, thus to be brought about, should convene, the Democrats would rule both Houses, that the majority would again insist on its terms, and that then unless the executive submitted to become an accomplice in the design to fling down the barriers that block the way to the ballot-box against fraud and force, appropriations would again be refused, and again the session should die, leaving the government paralyzed. The extra session has convened; the Democrats have indeed the power in both Houses, and thus far the war and the caucus have come up to the manifesto. So far the exploit has been easy. The time of trial is to come; the issue has been made, and of its ignominious failure there can be no doubt, if the executive shall plant itself on constitutional right and duty, and stand firm. The actors in this scheme have managed themselves and their party into a predicament, and unless the President lets them out, they will and they must back out.

Should the executive interpose the constitutional shield against the political enormities of the proposed bills, and then should the majority carry out the threat to desert their posts by adjournment without making the needed appropriations, I hope and trust they will be called back instantly, and called back as often as need be until they relinquish a monstrous pretension and abandon a treasonable position.

The army bill now pending is not, in its political features, the bill tendered us at the last session a few days ago; it is not the same bill then insisted on as the ultimatum of the majority. The bill as it comes to us now condemns its predecessor as crude and objectionable. It was found to need alteration. It did need alteration badly, and those who lately insisted on it as it was, insist on it now as it then was not. A grave proviso has been added to save the right of the President to aid a State gasping in the throes of rebellion or invasion, and calling for help. As the provision stood when thrust upon us first and last at the recent session, it would have punished as a felon the President of the United States, the General of the army, and others, for attempting to obey the constitution of the United States and two ancient acts of Congress, one of them signed by George Washington. Shorn of this absurdity, the bill as it now stands, should it become a law, will be the first enactment of its kind that ever found its way into the statutes of the United States. A century, with all its activities and party strifes, with all its passionate discords, with all its expedients for party advantage, with all its wisdom and its folly, with all its patriotism and its treason, has never till now produced a congressional majority which deemed such a statute fit to be enacted.

Let me state the meaning of the amendments proposed under guise of enlarging liberty on election day—that day of days when order, peace, and security for all, as well as liberty, should reign. The amendments declare in

plain legal effect that, no matter what the exigency may be, no matter what violence or carnage may run riot and trample down right and life, no matter what mob brutality may become master, if the day be election day, any officer or person, civil, military, or naval, from the President down, who attempts to interfere, to prevent or quell violence by the aid of national soldiers, or armed men not soldiers, shall be punished, and may be fined \$5,000 and imprisoned for five years. This is the law we are required to set up. Yes, not only to leave murderous ruffianism untouched, but to invite it into action by assurances of safety in advance.

In the city of New York, all the thugs and shoulder-hitters, and repeaters, all the carriers of slung-shot, dirks, and bludgeons, all the fraternity of the bucket-shops, the rat-pits, the hells, and the slums, all the graduates of the nurseries of modern so-called Democracy, all those who employ and incite them, from King's Bridge to the Battery, are to be told in advance that on the day when the million people around them choose their members of the national Legislature, no matter what God-daring or man-hurting enormities they may commit, no matter what they do, nothing that they can do will meet with the slightest resistance from any national soldier or armed man clothed with national authority.

Another bill, already on our tables, strikes down even police officers armed, or unarmed, of the United States.

In South Carolina, in Louisiana, in Mississippi, and in the other States where the colored citizens are counted to swell the representation in Congress, and then robbed of their ballots and dismissed from the political sun—in all such States, every rifle club, and white league, and murderous band, and every tissue ballot-box stuffer, night-rider, and law-breaker, is to be told that they may turn national elections into a bloody farce, that they may choke the whole proceeding with force and fraud, and

blood, and that the Nation shall not confront them with one armed man. State troops, whether under the name of rifle clubs or white leagues, or any other, armed with the muskets of the United States, may constitute the mob, may incite the mob, but the national arm is to be tied and palsied.

I repeat such an act of Congress has never yet existed. If there ever was a time when such an act could safely and fitly stand upon the statute-book, that time is not now, and is not likely to arrive in the near future. Until rebellion raised its iron hand, all parties and all sections had been content to leave where the constitution left it, the power and duty of the President to take care that the laws be faithfully executed.

The constitution has in this regard three plain commands:

The President "shall take care that the laws be faithfully executed."

Again, "The President shall be Commander-in-Chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States."

"The actual service of the United States," some man may say means war merely, service in time of war. Let me read again, "Congress shall have power to provide for calling forth the militia." For what? First of all, "to execute the laws of the Union."

Yes, Congress shall have power "to provide for calling forth the militia to execute the laws of the Union." Speaking to lawyers, I venture to emphasize the word "execute." It is a term of art; it has a long-defined meaning. The act of 1795, re-enacted since, emphasized these constitutional provisions.

The election law came in to correct abuses which reached their climax in 1868 in the city of New York. In that year, in the State of New York, the Republican candidate for governor was elected; the Democratic candidate

was counted in. Members of the Legislature were fraudulently seated. The election was a barbarous burlesque. Many thousand forged naturalization papers were issued; some of them were white and some were coffee-colored. The same witnesses purported to attest hundreds and thousands of naturalization affidavits, and the stupendous fraud of the whole thing was and is an open secret. Some of these naturalization papers were sent to other States. So plenty were they, that some of them were sent to Germany, and Germans who had never left their country claimed exemption from the German draft for soldiers in the Franco-Prussian war, because they were naturalized American citizens!

Repeating, ballot-box stuffing, ruffianism, and false counting decided everything. Tweed made the election officers, and the election officers were corrupt. In 1868, thirty thousand votes were falsely added to the Democratic majority in the cities of New York and Brooklyn alone. Taxes and elections were the mere spoil and booty of a corrupt junta in Tammany Hall. Assessments, exactions, and exemptions were made the bribes and the penalties of political submission. Usurpation and fraud inaugurated a carnival of corrupt disorder; and obscene birds without number swooped down to the harvest and gorged themselves on every side in plunder and spoliation. Wrongs and usurpations springing from the pollution and desecration of the ballot-box stalked high-headed in the public way. The courts and the machinery of justice were impotent in the presence of culprits too great to be punished.

The act of 1870 came in to throttle such abuses. It was not born without throes and pangs. It passed the Senate after a day and a night which rang with Democratic maledictions and foul aspersions.

In the autumn of that year an election was held for the choice of Representatives in Congress. I see more than one friend near me

who for himself and for others has reason even unto this day to remember that election and the apprehension which preceded it. It was the first time the law of 1870 had been put in force. Resistance was openly counseled. Democratic newspapers in New York advised that the officers of the law be pitched into the river. Disorder was afoot. Men, not wanting in bravery, and not Republicans, dreaded the day. Bloodshed, arson, riot were feared. Ghastly spectacles were still fresh in memory. The draft riots had spread terror which had never died, and strong men shuddered when they remembered the bloody assizes of the Democratic party. They had seen men and women, blind with party hate, dizzy and drunk with party madness, stab, and burn, and revel in murder and in mutilating the dead. They had seen an asylum for colored orphans made a funeral pile, and its smoke sent up from their Christian and imperial city to tell in heaven of the inhuman bigotry, the horrible barbarity of man. Remembering such sickening scenes, and dreading their repetition, they asked the President to protect them—to protect them with the beak and claw of national power. Instantly the unkenneled packs of party barked in vengeful chorus. Imprecations, maledictions, and threats were hurled at Grant; but with that splendid courage which never blanched in battle, which never quaked before clamor—with that matchless self-poise which did not desert him even when a continent beyond the sea rose and uncovered before him, he responded in the orders which it has pleased the honorable Senator from Delaware to read. The election thus protected was the fairest, the freest, the most secure, a generation has seen. When, two years afterward, New York came to crown Grant with her vote, his action in protecting her chief city on the Ides of November, 1870, was not forgotten. When next New York has occasion to record her judgment of the services of Grant, his action in 1870 touching peace in the city of

New York will not be hidden away by those who espouse him wisely.

Now, the election law is to be emasculated; no national soldier must confront rioters or mobs; no armed man by national authority, though not a soldier, must stay the tide of brutality or force; no deputy marshal must be within call; no supervisor must have power to arrest any man who in his sight commits the most flagrant breach of the peace. But the Democrats tell us "we have not abolished the supervisors; we have left them." Yes, the legislative bill leaves the supervisors, two stool-pigeons with their wings clipped, two licensed witnesses to stand about idle, and look—yes, "a cat may look at a king"—but they must not touch bullies or lawbreakers, not if they do murders right before their eyes.

If a civil officer should, under the pending amendment, attempt to quell a riot by calling on the bystanders, if they have arms, he is punishable for that. If a marshal, the marshal of the district in which the election occurs, the marshal nominated to the Senate and confirmed by the Senate—I do not mean a deputy marshal—should see an affray or a riot at the polls on election day and call upon the bystanders to quell it, if this bill becomes a law, and one of those bystanders has a revolver in his pocket, or another one takes a stick or a cudgel in his hand, the marshal may be fined \$5,000 and punished by five years' imprisonment.

Such are the devices to belittle national authority and national law, to turn the idea of the sovereignty of the nation into a laughing-stock and a by-word.

Under what prettexts is this uprooting and overturning to be? Any officer who transgresses the law, be he civil or military, may be punished in the courts of the State or in the courts of the Nation under existing law. Is the election act unconstitutional? The courts for ten years have been open to that question. The law has been pounded with all the hammers of

the lawyers, but it has stood the test; no court has pronounced it unconstitutional, although many men have been prosecuted and convicted under it. Judge Woodruff and Judge Blatchford have vindicated its constitutionality. But, as I said before, the constitutional argument has been abandoned. The supreme political court, practically now above Congresses or even constitutions, the Democratic caucus, has decided that the law is constitutional. The record of the judgment is in the legislative bill.

We are told it costs money to enforce the law. Yes, it costs money to enforce all laws; it costs money to prosecute smugglers, counterfeiters, murderers, mail robbers and others. We have been informed that it has cost \$200,000 to execute the election act. It cost more than \$5,000,000,000 in money alone, to preserve our institutions and our laws, in one war, and the Nation which bled and the Nation which paid is not likely to give up its institutions and the birthright of its citizens for \$200,000.

THE PRESIDING OFFICER, (Mr. Cockrell in the chair.) The Senator will suspend a moment. The chair will announce to the galleries that there shall be no more applause; if so, the galleries will be cleared immediately.

MR. CONKLING. Mr. President, that interruption reminds me, the present occupant of the chair having been deeply interested in the bill, that the appropriations made and squandered for local and unlawful improvements in the last river and harbor bill alone, would pay for executing the election law as long as grass grows or water runs. The interest on the money wrongfully squandered in that one bill would execute it twice over perpetually. The cost of this needless extra session, brought about as a partisan contrivance, would execute the election law for a great while. A better way to save the cost, than to repeal the law, is to obey it. Let white leagues and rifle clubs disband; let your night-riders dismount; let your tissue ballot-box stuffers desist; let repeaters, false-count-

ers, and ruffians no longer be employed to carry elections, and then the cost of executing the law will disappear from the public ledger.

Again we are told that forty-five million people are in danger from an army nominally of twenty-five thousand men scattered over a continent, most of them beyond the frontiers of civilized abode. Military power has become an affrighting specter. Soldiers at the polls are displeasing to a political party. What party? That party whose administration ordered soldiers, who obeyed, to shoot down and kill unoffending citizens here in the streets of Washington on election day; that party which has arrested and dispersed Legislatures at the point of the bayonet; that party which has employed troops to carry elections to decide that a State should be slave and should not be free; that party which has corralled courts of justice with national bayonets, and hunted panting fugitive slaves, in peaceful communities, with artillery and dragoons; that party which would have to-day no majority in either House of Congress except for elections dominated and decided by violence and fraud; that party under whose sway, in several States, not only the right to vote, but the right to be, is now trampled under foot.

Such is the course of an insulting summons to the executive to become *particeps criminis* in prostrating wholesome laws, and this is the condition on which the money of the people, paid by the people, shall be permitted to be used for the purposes for which the people paid it.

Has the present national administration been officiously robust in checking the encroachments and turbulence of Democrats, either by the use of troops or otherwise? I ask this question because the next election is to occur during the term of the present administration.

What is the need of revolutionary measures now? What is all this uproar and commotion, this daring venture of partisan experiment, for?



Why not make your issue against these laws, and carry your issue to the people? If you can elect a President and a Congress of your thinking, you will have it all your own way.

Why now should there be an attempt to block the wheels of government on the eve of an election at which this whole question is triable before the principals and masters of us all? The answer is inevitable. But one truthful explanation can be made of this daring enterprise. It is a political, a partisan manœuvre. It is a strike for party advantage. With a fair election and an honest count the Democratic party cannot carry the country. These laws, if executed, insure some approach to a fair election. Therefore they stand in the way, and therefore they are to be broken down.

I reflect upon no man's motives, but I believe that the sentiment which finds expression in the transaction now proceeding in the two houses of Congress, has its origin in the idea that I have stated. I believe that the managers and charioteers of the Democratic party think that with a fair election and a fair count they cannot carry the State of New York. They know that with free course, such as existed in 1868, to the ballot-box and count, no matter what majority may be given in that State where the green grass grows, the great cities will overbalance and swamp it. They know that with the ability to give eighty, ninety, one hundred thousand majority in the county of New York and the county of Kings, half of it fraudulently added, it is idle for the three million people living above the Highlands of the Hudson to vote.

This is a struggle for power. It is a fight for empire. It is a contrivance to clutch the national government. That we believe; that I believe.

The Nation has tasted, and drunk to the dregs, the sway of the Democratic party, organized and dominated by the same influences which dominate it again and still. You want to restore that dominion. We mean to resist

you at every step, and by every lawful means that opportunity places in our hands. We believe that it is good for the country, good for every man North and South who loves the country now, that the government should remain in the hands of those who were never against it. We believe that it is not wise or safe to give over our nationality to the dominion of the forces which formerly, and now again, rule the Democratic party. We do not mean to connive at further conquests, and we tell you that if you gain further political power, you must gain it by fair means, and not by foul. We believe that these laws are wholesome. We believe that they are necessary barriers against wrongs, necessary defenses for rights; and so believing, we will keep and defend them even to the uttermost of lawful, honest effort.

The other day, it was Tuesday, I think, it pleased the honorable Senator from Illinois [Mr. Davis] to deliver to the Senate an address, I had rather said an opinion, able and carefully prepared. That honorable Senator knows well the regard not only, but the sincere respect in which I hold him, and he will not misunderstand the freedom with which I shall refer to some of his utterances.

Whatever else his sayings fail to prove, they did, I think, prove their author, after Mrs. Winslow, the most copious and inexhaustible fountain of soothing syrup. The honorable Senator seemed like one slumbering in a storm and dreaming of a calm. He said there was no uproar anywhere—one would infer you could hear a pin drop—from center to circumference. Rights, he said, are secure. I have his language here. If I do not seem to give the substance aright I will stop and read it. Rights secure North and South; peace and tranquillity everywhere. The law obeyed and no need of special provisions or anxiety. It was in this strain that the Senator discoursed.

Are rights secure, when fresh-done barbarities show that local government in one portion of

our land is no better than despotism tempered by assassination? Rights secure, when such things can be, as stand proved and recorded by committees of the Senate! Rights secure, when the old and the young fly in terror from their homes, and from the graves of their murdered dead! Rights secure, when thousands brave cold, hunger, death, seeking among strangers in a far country a humanity which will remember that—

"Before man made them citizens,  
Great nature made them men!"

Read the memorial signed by Judge Dillon, by the Democratic mayor of St. Louis, by Mr. Henderson, once a member of the Senate, and by other men known to the Nation, detailing what has been done in recent weeks on the Southern Mississippi. Read the affidavits accompanying this memorial. Has any one a copy of the memorial here? I have seen the memorial. I have seen the signatures. I hope the honorable Senator from Illinois will read it, and read the affidavits which accompany it. When he does, he will read one of the most sickening recitals of modern times. He will look upon one of the bloodiest and blackest pictures in the book of recent years. Yet the Senator says, all is quiet. "There is not such faith, no not in Israel." Verily "order reigns in Warsaw."

*Solitudinem faciunt, pacem appellant.*

Mr. President, the Republican party everywhere wants peace and prosperity—peace and prosperity in the South, as much and as sincerely as elsewhere. Disguising the truth will not bring peace and prosperity. Soft phrases will not bring peace. "Fair words butter no parsnips." We hear a great deal of loose, flabby talk about "fanning dying embers," "rekindling smoldering fires," and so on. Whenever the plain truth is spoken, these unctious monitions, with a Peter Parley benevolence, fall copiously upon us. This lullaby and hush has been, in my belief, a mistake from the

beginning. It has misled the South, and misled the North. In Andrew Johnson's convention was worked up at Philadelphia, men were brought from the North and South for ecstasy and gush. A man from Massachusetts and a man from South Carolina, arms and walked into the convention arm, and sensation and credulity palpably clapped their hands, and thought a solvent had been found. Serenades were at which "Dixie" was played. Later anniversaries of battles fought in the war of independence were made occasions by men from the North and men from the South in national, dramatic, hugging ceremonies. Sherman, I remember, attended one, and I remember, also, that with the blue of a soldier, and the wisdom and hard sense of a statesman, he plainly cautioned all not to be carried away, and not to be misled. But many have been fooled, and being misled have helped to swell the Democratic numbers which now display themselves before the public eye.

Of all such effusive demonstration this to say: honest, serious convictions ecstatic or emotional. Grave affairs and purposes do not express or vent themselves in honeyed phrase or sickly sentimentality, or profuse professions.

This is as true of political as of religious duties. The Divine Master tells us that every one that saith unto me, Lord, Lord, and enter into the kingdom of heaven; but he that doeth the will of my Father which is in heaven."

Facts are stubborn things, but the best way to deal with them is to look them squarely in the face.

The Republican party and the people preach no crusade against the South. They will say nothing of the past beyond the facts. When the war was over, no man who fought against his flag was punished, and

imprisonment. No estate was confiscated. Every man was left free to enjoy life, liberty, and the pursuit of happiness. After the Southern States were restored to their relations in the Union, no man was ever disfranchised by national authority—not one. If this statement is denied, I invite any Senator to correct me. I repeat it. After the southern State governments were rebuilt, and the States were restored to their relations in the Union, by national authority, not one man for one moment was ever denied the right to vote, or hindered in the right. From the time that Mississippi was restored, there never has been an hour when Jefferson Davis might not vote as freely as the honorable Senator in his State of Illinois. The North, burdened with taxes, draped in mourning, dotted over with new-made graves, tenanted by her bravest and her best, sought to inflict no penalty upon those who had stricken her with the greatest, and, as she believed, the guiltiest rebellion that ever crimsoned the annals of the human race.

As an example of generosity and magnanimity, the conduct of the Nation in victory was the grandest the world has ever seen. The same spirit prevails now. Yet our ears are lured with the charge that the Republicans of the North seek to revive and intensify the wounds, and pangs, and passions of the war, and that the Southern Democrats seek to bury them in oblivion of kind forgetfulness.

We can test the truth of these assertions right before our eyes. Let us test them. Twenty-seven States adhered to the Union in the dark hour. Those States send to Congress two hundred and sixty-nine Senators and Representatives. Of these two hundred and sixty-nine Senators and Representatives, fifty-four, and only fifty-four, were soldiers in the armies of the Union. The eleven States which were disloyal, send ninety-three Senators and Representatives to Congress. Of these, eighty-five were soldiers in the armies of the Rebellion,

and at least three more held high civil station in the Rebellion, making in all eighty-eight out of ninety-three.

Let me state the same fact, dividing the Houses. There are but four Senators here who fought in the Union army. They all sit here now; and there are but four. Twenty Senators sit here who fought in the army of the Rebellion, and three more Senators sit here who held high civil command in the Confederacy.

In the House there are fifty Union soldiers from twenty-seven States, and sixty-five Confederate soldiers from eleven States.

Who, I ask you, Senators, tried by this record, is keeping up party divisions on the issues and hatreds of the war?

The South is solid. Throughout all its borders it has no seat here, save two, in which a Republican sits. The Senator from Mississippi [Mr. Bruce] and the Senator from Louisiana [Mr. Kellogg] are still spared; and whisper says that an enterprise is afoot to deprive one of these Senators of his seat. The South is emphatically solid. Can you wonder that the North soon becomes solid, too? Do you not see that the doings witnessed now in Congress fill the North with alarm, and distrust of the patriotism and good faith of men from the South? Forty-two Democrats have seats on this floor; forty-three, if you add the honorable Senator from Illinois [Mr. Davis]. He does not belong to the Democratic party, although I must say, after reading his speech the other day, that a Democrat who asks anything more of him is an insatiate monster. If we count the Senator from Illinois, there are forty-three Democrats in this chamber. Twenty-three is a clear majority of all, and twenty-three happens to be exactly the number of Senators from the South who were leaders in the late Rebellion.

Do you anticipate my object in stating these numbers? For fear you do not, let me explain. Forty-two Senators rule the Senate; twenty-three Senators rule the caucus. A majority

rules the Senate; a caucus rules the majority; and the twenty-three Southern Senators rule the caucus. The same thing, in the same way, governed by the same elements is true in the House.

This present assault upon the purity and fairness of elections, upon the constitution, upon the executive department, and upon the rights of the people; not the rights of a king, not on such rights as we heard the distinguished presiding officer, whom I am glad now to discover in his seat, dilate upon of a morning some weeks ago; not the divine right of kings, but the inborn rights of the people—the present assault upon them, could never have been inaugurated without the action of the twenty-three Southern Senators here, and the Southern Representatives there [pointing to the House.]

The people of the North know this and see it. They see the lead and control of the Democratic party again where it was before the war, in the hands of the South. "By their fruits ye shall know them." The honorable Senator from Alabama [Mr. Morgan,] educated no doubt by experience in political appearances, and spectacular effects, said the other day that he preferred the Democrats from the North should go first in this debate. I admired his sagacity. It was the skill of an experienced tactician to deploy the northern levies as the sappers and miners; it was very becoming certainly. It was not from cruelty, or to make them food for powder, that he set them in the forefront of the battle; he thought it would appear better for the northern auxiliaries to go first and tunnel the citadel. Good, excellent, as far as it went; but it did not go very far in misleading anybody; putting the tail foremost, and the head in the sand, only displayed the species and habits of the bird.

We heard the other day that "the logic of events" had filled the southern seats here with men banded together by a common history and a common purpose. The Senator who made

that sage observation perhaps builded better than he knew. The same logic of events, let me tell Democratic Senators, and the communities behind them, is destined to bring from the North more united delegations.

I read in a newspaper that it was proposed the other day in another place, to restore to the army of the United States men who, educated at the Nation's cost and presented with the Nation's sword, drew the sword against the Nation's life. In the pending bill is a provision for the retirement of officers now in the army, with advanced rank and exaggerated pay. This may be harmless, it may be kind. One swallow proves not spring, but along with other things, suspicion will see in it an attempt to coax officers now in the army to dismount, to empty their saddles, in order that others may get on.

So hue and cry is raised because courts, on motion, for cause shown in open court, have a right to purge juries in certain cases. No man in all the South, under thirty-five years of age, can be affected by this provision, because every such man was too young when the armies of the Rebellion were recruited to be subject to the provision complained of. As to the rest, the discretion is a wholesome one. But, even if it were not, let me say in all kindness to southern Senators, it was not wise to make it a part of this proceeding, and raise this uproar in regard to it.

Even the purpose, in part already executed, to remove the old and faithful officers of the Senate, even Union soldiers, that their places may be snatched by others—to overturn an order of the Senate which has existed for a quarter of a century, in order to grasp all the petty places here, seems to me unwise. It is not wise, if you want to disarm suspicion, that you mean aggrandizing, gormandizing, unreasonable things.

Viewing all these doings in the light of party advantage—advantage to the party to which I

belong, I could not deplore them; far from it; but wishing the repose of the country, and the real, lasting, ultimate welfare of the South, and wishing it from the bottom of my heart, I believe they are flagrantly unwise, hurtfully injudicious.

What the South needs is to heal, build, mend, plant, sow. In short, to go to work. Invite labor; cherish it; do not drive it out. Quit proscription, both for opinion's sake, and for color's sake. Reform it altogether. I know there are difficulties in the way. I know there is natural repugnance in the way; but drop passion, drop sentiment which signifies naught, and let the material prosperity and civilization of your land advance. Do not give so much energy, so much restless, sleepless activity, to an attempt so soon to get possession once more, and dominate and rule the country. There is room enough at the national board, and it is not needed, it is not decorous, plainly speaking, that the South should be the MacGregor at the table, and that the head of the table should be wherever he sits. For a good many reasons, it is not worth while to insist upon it.

Mr. President, one of Rome's famous legends stands in these words: "Let what each man thinks of the Republic be written on his brow." I have spoken in the spirit of this injunction. Meaning offence to no man, and holding ill-will to no man, because he comes from the South, or because he differs with me in political opinion, I have spoken frankly, but with malice toward none.

This session, and the bill pending, are acts in a partisan and political enterprise. This debate, begun after a caucus had defined and clenched the position of every man in the majority, has not been waged to convince anybody here. It has resounded to fire the Democratic heart, to sound a blast to the cohorts of party, to beat the long-roll, and set the squadrons in the field. That is its object, as plainly to be seen as the ultimate object of the attempted overthrow of laws.

Political speeches having been thus ordained, I have discussed political themes, and with ill-will to no portion of the country, but good-will toward every portion of it, I have with candor spoken somewhat of my thoughts of the duties and dangers of the hour.

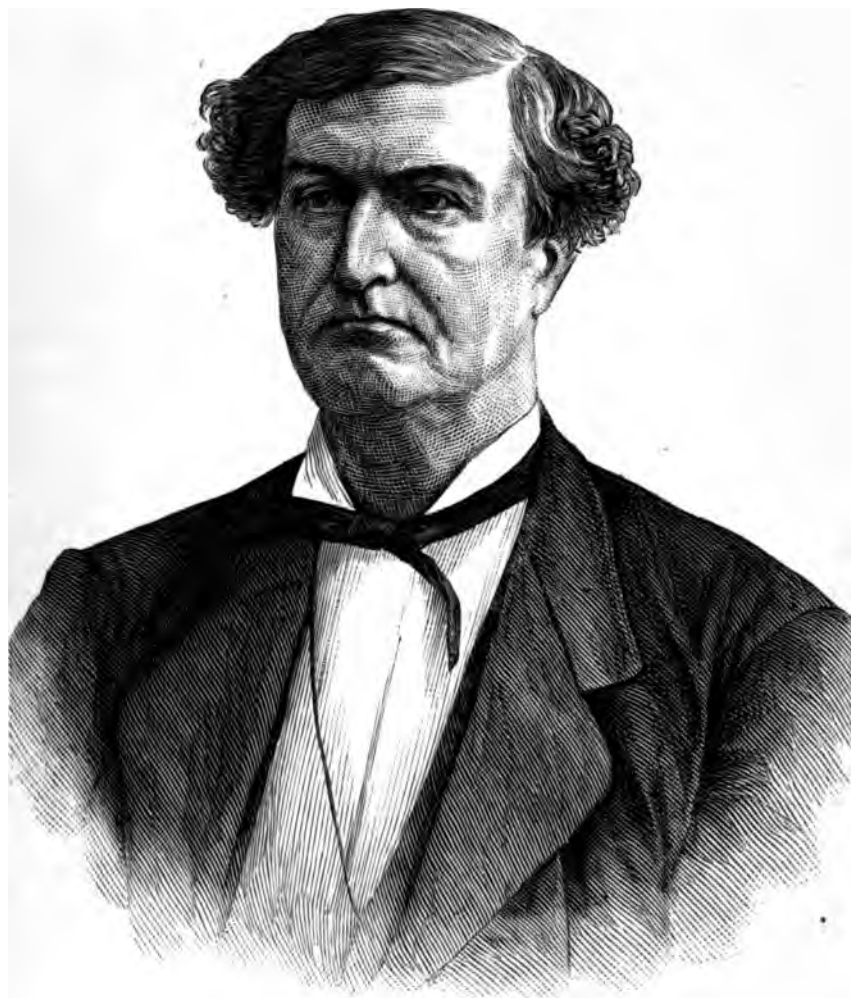


## ZACHARIAH CHANDLER.

**Z**ACHARIAH CHANDLER was born in Bedford, New Hampshire, December 10, 1813. He enjoyed the benefits of the common schools of Bedford, and attended academies for a time in Pembroke and Derry. He was a recognized leader among the youth of his neighborhood in all athletic sports. After leaving school he spent his time in teaching and farming until 1833, when he removed to Michigan, and settled in Detroit. After teaching school for a short time, he engaged in mercantile business. He devoted himself diligently to this business until 1851, and amassed an ample fortune. In 1851 he was elected mayor of Detroit, and the year following was the Whig nominee for governor. Although defeated, he ran considerably ahead of General Scott, who was the Whig candidate for President. In 1853 he received the unanimous vote of the Whig members of the Legislature for Senator, but, the Democrats having a majority, he was not elected. In 1857 he was elected Senator to succeed Lewis Cass, and was re-elected in 1863,

and again in 1869, serving eighteen years without interruption. He was a candidate for a fourth term, and, on the first ballot, lacked but three votes of a majority. I. P. Christiancy was elected his successor by the votes of six disaffected Republicans and the Democrats. Mr. Chandler was appointed Secretary of the Interior on the 19th day of October, 1875. He filled this office until after the inauguration of President Hayes, and made marked improvement in the administration of the department. In 1868, and again in 1876, he was chairman of the Republican National Committee, and had almost entire control of the hard-fought campaign which resulted in the election of Mr. Hayes. In February, 1879, Mr. Chandler was elected to succeed Senator Christiancy, who resigned his seat, and was a member of the Senate at the time of his death, which occurred in Chicago, after the delivery of one of his most stirring campaign addresses, on November 1, 1879.

Mr. Chandler was a man of unusual natural abilities and positive character, that marked him as a leader in every



ZACHARIAH CHANDLER

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tment of life where he was called or.

ile in the Senate he was made chair- of the Committee on Commerce, erved in that position until 1875. renuously opposed all extension of territory and slave power. He op- all compromise of constitutional , and, when the slave-power at- ed to destroy the government, he ated the vigorous prosecution of the

He opposed the restoration to citi- ip of men who had exerted their t power for the destruction of the nment, and who cared not for its

supremacy and perpetuity. He was a prominent member of the committee on the Conduct of the War, and advocated the placing of all the departments and armies under one military head, and, when that was decided on, he advocated placing Grant in command.

He was a strong advocate for the protection of home industries, and the encouragement of international improvements. He was an honest man, a fearless worker in the cause of right, and in his death his State and his country have lost a most valuable and sagacious leader.

### LAST SPEECH.

*Delivered by Mr. Chandler at McCormick Hall, Chicago, on the evening of October 31, 1870.*

CHAIRMAN AND FELLOW-CITIZENS: It is ing the custom of late to restrict the lines zenship. In the Senate of the United and in the halls of Congress, you will tizenship described as confined to States, is denied that there is such a thing as na- citizenship. I to-night address you, my citizens of Chicago, in a broad sense as citizens of the United States of America. t crime has been committed, my fellow- —a crime against this nation; a crime : Republican institutions throughout the a crime against civil liberty, and the al is yet unpunished—that is to say, he is nished according to his deserts. And I o-night devote myself chiefly to the his- a crime, and shall endeavor to hold up minal to your execration.

But first it is proper for me to allude to cer- tain matters of national importance, which are at this present moment living issues. Twelve years ago an idea was started in the neighbor- ing State of Ohio called the "Ohio Idea," which spread and bore fruit in different States. That idea was to pay something with nothing. From this Ohio idea sprang a brood of other ideas. For example, the Greenback idea, an unlimited issue of irredeemable currency, and a party was inaugurated in different States called the Greenback party. It took root in Michigan last year, had a vigorous growth, put forth limbs, blossomed liberally, bore no fruit, and died. Therefore, I shall pay no attention to the Greenback party. It is not a living issue. But the Ohio idea is still a living issue, and even during the last session of Congress a de-

mand was made, and persistently made, to repeal the resumption act that had been in existence for years. The resumption of specie payments was virtually accomplished when, in 1874-5 that resumption act became a law. For at that time we made that act so strong that there was no power on earth that could defeat the resumption of specie payments after it had been once inaugurated. We authorized the Secretary of the Treasury to use any bond ever issued by the government, and in any amount that was necessary, to carry forward to success specie payments, so soon as the time arrived for the resumption. We carefully guarded that law. True we are under an obligation to the man who executed the law, but the resumption of specie payments was as much a fixed fact when that law was signed as it is to-day, and all the powers on the earth combined could not break that resumption when it had once been inaugurated. No combination of capital, no combination of nations could break it, for they butted against the credit of the United States of America.

But this "Ohio idea," as I said, was to pay off your bonds with greenbacks. Well, my fellow-citizens, we have paid off \$160,000,000 of your bonds in greenbacks within the last sixty or ninety days, and what more do you want? Ah! but the "Ohio idea" was something different from that. It was, as I said before, to pay something with nothing, and up to the final adjournment of the last regular session of Congress, the attempt was still made to issue irredeemable paper, and force it upon the creditors of the nation.

Now, if this paper which they propose to issue in paying off the bonds of your government were properly and truthfully described it would read thus: "The government of the United States for value received"—for it was value received. No greenback was ever issued except for value received—"for value received the government of the

United States promises to pay nothing to nobody, never."

That was the paper with which it was proposed by these men, entertaining them, and now entertaining the "Ohio idea" to redeem the bonds of your government.

Now, you have heard, I presume, here in Chicago, the denunciation of the holders of your government bonds. "The bloated bondholders" is a term of reproach. Both on the floor of Congress, and in the streets of Chicago, and all over the United States, "the bloated bondholder" is the term of reproach. Did it ever occur to you to inquire who are "the bloated bondholders?"

Why, my friends, every single man who has one dollar in a savings-bank is a "bloated bondholder," for there is not a savings-bank in the land, which ought to be intrusted with a dollar, whose funds are not invested in bonds of your government. There is not a widow or orphan who has a fund to support the widow in her widowhood, and the orphan in its orphanage, in a trust company, who is not a "bloated bondholder," for there is not a trust company in the land that ought to be trusted which has not a large proportion of its funds in the bonds of your government. Every man who has his life insured or his home insured, or his barn, or his lumber, or any insurance, is a "bloated bondholder," for there is not an insurance company, life, fire, marine, or any other class of insurance that ought to be trusted, that has not its funds invested in the bonds of your government. You may go to the books of your treasury to-morrow and inquire, and you will find ninety-nine men who own \$100, or less of the bonds of your government, directly or indirectly, where you will find one man who owns \$10,000 or more.

And these men, entertaining the "Ohio idea" would ruin the ninety-nine poor men for the possible chance of injuring the one-hundredth rich man. And yet you may destroy the bonds

of the rich man, and you do him no harm, for he has but a small amount of his vast wealth in the bonds of your government, while the poor man owning \$100, or under, as his little all, is utterly ruined.

You would not find a man, woman, or child, in America, who would touch that kind of money if proffered him.

You say you would stop the interest on your bonded debt. Very well. The holder of your bond would say: "You do not propose to pay any interest. I hold a bond for value received, with a given amount of interest payable on a given day. Now, I will hold your bond until you men entertaining the "Ohio idea" are buried in your political graves, and then I will appeal to an honest people, to an honest government, to pay an honest debt. But, say these men, "pay off your foreign bonds." I see before me men who remember the days of General Jackson, and they likewise remember that in the time of General Jackson the government of France owed to the citizens of the United States \$5,000,000, which France did not refuse to pay, but neglected to pay. It ran along from decade to decade unpaid. General Jackson sent for the French minister, and said: "Unless that \$5,000,000 due to the citizens of the United States is paid, I will declare war against France." General Jackson was remonstrated with. It would disturb the commercial relations, not only of this country, but the world. Said he: "Unless France pays that \$5,000,000, by the eternal, I will declare war against France."

Every man, woman, and child, and the King of France knew that he would do it, and the \$5,000,000 was paid to the United States.

It is not \$5,000,000 that your government owes to the citizens of the world, but it is more than fifty times five millions, and it is scattered all over God's earth.

You say you will stop the interest on these bonds. How long do you think it would be be-

fore a British fleet, and a French fleet, and a Russian fleet, and an Austrian fleet, and a Spanish fleet, and an Italian fleet, would come sailing up your coast, and demand payment of the bonds held by their respective nations? Up steps Tom Ewing and says: "Your accounts are correct. The government of the United States owes so many hundreds of millions of dollars to your citizens, and here is your money."

[Here Mr. Chandler waved a blank piece of paper, representing the "Ohio idea," and the audience went into convulsions.]

These foreign gentlemen say:

"What is that?"

"Why, money. Don't you see? Why, it is a first mortgage on all the property of all the citizens of all the United States. Don't you see the stamp of the government?"

These foreign gentlemen say: "Where is it payable?"

"Nowhere."

"To whom is it payable?"

"Nobody."

"When is it payable?"

"Never."

These foreign gentlemen say: "We don't know any such money. Our orders are to collect these hundreds of millions of dollars in the coin of the world, and unless it is paid in the coin of the world, our orders are to block every port of the United States, and here are all the navies of the earth to do it, and to burn down every city that our guns will reach."

Ah! Tom Ewing, you will find that "honesty is the best policy," with nations as well as with individuals. They will say, "Perhaps you are right upon this bond business; it is an open question, and we will abandon it. Let us turn to the national banks. Abolish the national banks." What do you want to abolish the national banks for? I was in the Senate of the United States when that bank law was passed, and voted upon every proposition made in that

body upon that bill. I had a little experience in State banks myself. Michigan had a very large State bank circulation at one time. And we called that money in those days "Wildcat money." And it was very wild. Chicago had a little experience in those days, too. It was necessary for any man liable to receive a five dollar note, to have a counterfeit protector with him—for three purposes—first, to ascertain whether there was such a bank; second to see whether the bill was counterfeit; and third, whether the bank had failed; and, as a rule, it had failed. Now, we might just as well have put in "State" bonds as security for those bank notes; but we didn't know which one, or how many of those rebel States would repudiate their bonds. We put in the bonds of your government at ninety cents on the dollar, so that to-day for every single ninety cents of national bank notes afloat, there is one hundred cents of the bond of the government deposited with the Treasurer of the United States for the redemption of the ninety cents. And you don't know nor care where the bank is located, because you know that there is 100 cents, worth 102½¢ to-day in the bonds of your government deposited with the Treasurer of the United States for the benefit of every ninety cents you hold. You don't know, and you don't care, whether the bank, the notes of which you have in your pocket, ever failed, and you never find it out. You pass a law to-morrow repealing the charter of all your national banks; you gain nothing, and you lose \$16,500,000; you distress the whole community of these United States, by compelling your banks to call in \$850,000,000 now loaned, and being used. You had better devote yourself to something you understand, and let national banks alone.

But they say, "There is one thing we know we are right on" That is the free coinage of silver. Every one who owns eighty-five cents worth of silver shall go to the mints of the United States and take a certificate of deposit

for 100 cents, which shall pass as money. This was the Warner bill. This the Democratic party, as a party, was committed to, and is committed to. The very last day of the extra session, by a majority vote of one in the Senate, we laid that bill on the table. I am in favor of a dual standard—with a silver dollar with one hundred cents in it—an honest dollar. To-day a laboring man can take gold, silver, or paper, and all are of equal value because interchangeable. By the substitution of an eighty-five cent dollar, you swindle them out of \$600,000 a day. Who is benefited by the substitution? Not a living man on God's earth, except the bullion owner and the bullion speculator. I do not charge these men with being bribed to pass that law; I have no proof; but I do say, and say it boldly, that the bullion-owners and the bullion speculators could afford to pay \$10,000,000 for the purpose of swindling the laboring men in these United States out of fifteen per cent. of all their earnings.

But there is another question which is of vital interest to every man, woman, and child in America, and that is with reference to the enormous rebel claims presented against the government. I hold in my hands a list of the claims now before Congress—claims for cotton, for property destroyed, for quartermasters' stores, and every conceivable thing, even for the fences which the soldiers burned up. I have claims right here amounting to more than \$2,000,000,000; and the only barrier between the Treasury of the United States and these rebel claims is the Presidential veto. Thank God for the veto. But these claims are not all. There are claims innumerable which they dare not yet present. You may go through every State in the South, and somewhere you will find hidden away a claim for every slave that was liberated. On the files of the Senate and House you will find demands for untold millions to improve streams that do not exist, where you would have to pump the water to

can at all; demands for untold millions levees of the Mississippi, for I tell you the governments of the earth could not maintain those levees 1700 miles a hostile population, for wherever they expenditure of \$100,000 or \$1,000,000, have to do is to cut a crevasse, and one man with a hoe can do it in a night. We have given them 32,000,000 acres—all the land to be benefited by these levees, but now propose to bankrupt your Treasury by compelling you people of the North to build the levees, make the lands which you gave them, &c. Perhaps you may think that I am wrong in the matter of Southern claims. I have a petition that is to-day being circulated throughout the South, and which has already been largely circulated, and thousands of thousands of signatures obtained

the citizens of the United States, most respectfully on your honorable bodies [Senate and House of Representatives] to enact a law by which all citizens of the United States may be paid for all property destroyed by the government and armies during the late war between the States, in the sum of 3 per cent. per annum, maturing within one hundred years."

a soldier that served in the northern army has not been paid; every dollar's worth of property furnished to the northern army has not been paid for; every widow, and orphan, and disabled soldier entitled to a pension, has been neglected, so there is no claim from the North, but from the South, means that you shall do for the southern soldiers precisely what you have done for the northern soldiers. But I have not yet reached the end of this cocoanut.

I also petition that all soldiers, or their legal representatives, of both armies, and every section, be paid for their lost time, limbs, and property, while engaged in the late unfortunate civil war.

that all soldiers be paid for their lost time, and for their lost limbs while fighting to overthrow the Southern government.

My fellow-citizens, they are in sober, earnest, downright earnest. They have cap-

tured both Houses of Congress, and the only obstacle to the payment of these infamous claims is the Presidential veto, and there is not a man before me who has not a personal, direct interest, in seeing to it that the rebels do not capture the balance of Washington. These rebel States are solid—solid for repudiating your debt, solid for paying these rebel claims; they have repudiated their individual debts through the bankrupt law; they have repudiated their State debts by scaling, and then refusing to pay the interest on their scales; they have repudiated their municipal debts by repealing the charters of their cities, towns, and villages. And do you think they are more anxious to pay the debt contracted for their subjugation than they are to pay their own honest debts? I tell you no. They mean repudiation, and do not mean that your debt shall be of any more value than their own. When you trust them you are making a mistake, and I do not believe you will ever do it again.

But we have a matter under consideration to-night of vastly more importance than all the financial questions that can be presented to you, and that is, are you, or are you not a Nation? We had supposed for generations that we were a Nation. In 1857 treason raised its head upon the floors of Congress. They said, "Do this, or we will destroy your government. Fail to do that, and we will destroy your government." One of them repeated this threat to old Ben Wade, and he straightened himself up and said, "Don't delay it on my account." Careful preparations were made to carry out this treason. Arms were sent to the South. Ammunition and accoutrements followed; the navy was scattered; the credit of the government whose 6 per cent. bonds in 1857 sold for 122, was so utterly prostrated and debased that in February, 1862—four years afterwards—bonds payable, principal and interest in gold, bearing 6 per cent., were sold for 88 cents on the dollar, and no buyers for the whole amount. Careful prep-

arations were made for the overthrow of your government, and when Abraham Lincoln took the oath of office as President of these United States, there was nothing to protect the national life. Yet with all these discouragements staring us in the face, the Republican party undertook to save your government. We raised your credit; we created navies; raised armies; fought battles; carried on the war to a successful issue, and finally when the Rebellion surrendered at Appomattox, they surrendered to a government. They admitted that they had submitted their heresy to the arbitrament of arms, and had been defeated, and they surrendered to the government of the United States of America. They made no claims against the government, for they had none. In the very ordinance of secession which they signed they had pledged themselves, their fortunes, and their sacred honor to the overthrow of this government, and when they failed to do it they lost all that they had pledged. They asked, as a boon, that their miserable lives might be spared to them. We gave them their lives.

They had forfeited all their property—we gave it back to them. We found them naked, and we clothed them. They were without the rights of citizenship, and we restored to them those rights. We took them to our bosoms as brethren, believing that they had repented of their sins. We killed for them the fatted calf, and invited them to the feast, and they gravely informed us that they had always owned that animal, and were not grateful for the invitation. By the laws of war, and by the laws of nations, they were bound to pay every dollar of the expense incurred in putting down that Rebellion. But we forgave them that debt, and to-day you are being taxed heavily to pay the interest on the debt that they ought to have paid. Such magnanimity as was exhibited by this Nation to these rebels has never been witnessed on the earth since God made it, and, in my

humble judgment, it will never be witnessed again.

Mistakes we undoubtedly made—errors we committed—but, in my judgment, the greatest mistake we made, and the gravest error we committed, was in not hanging enough of these rebels to make treason forever odious. To-day, in Congress, the men have changed but not the measures. Twenty years ago they said: "Do this, or fail to do that, and we will shoot your government to death." If I am to die, I would rather be shot to death with musketry than starved to death. These rebels—for they are just as rebellious now as they were twenty years ago—there is not a particle of difference. I know them better than any other living mortal man; I have summered and wintered with them; these rebels to-day have thirty-six members on the floor of the House of Representatives, without one single constituent, and in violation of law, those thirty-six members represent 4,000,000 people, lately slaves, who are as absolutely disfranchised as if they lived in another sphere, through shot-guns, and whips, and tissue-ballots, for the law expressly says that wherever a race or class is disfranchised, they shall not be represented upon the floor of the House. And these thirty-six members thus elected constitute three times the whole of their majority upon the floor. This is not only a violation of law, but it is an outrage upon all the loyal men of the United States. It ought not to be. It must not be. And it shall not be. Twelve members of the Senate—more than their whole majority—occupy their seats upon the floor by fraud and violence; and I am saying no more to you than I said to those rebel generals. With majorities thus obtained by fraud and violence in both houses, they dared to dictate terms to the loyal men of these United States. With majorities thus obtained they dared to arraign the loyal men of these United States, and say they want honest elections. They are mortally afraid of bayonets at

the polls. We offered them a law forbidding any man to come within two miles of a polling-place with arms of any description, and they promptly voted it down, for they wanted their Ku-klux. They were not afraid of the Ku-klux, but of soldiers. In all the northern States there is less than one soldier to a county. There is about two-thirds of a soldier to a county, and, of course, about two-thirds of a musket. Wouldn't this great county of Cook tremble if it saw two-thirds of a soldier with two-thirds of a musket approaching? But they (the South) are afraid of inspectors. Why? The law creating inspectors is imperative that one must be a Democrat and the other a Republican. They have no power whatever, except to certify that the election is honest and fair. They are afraid of marshals at the polls. The inspectors can't arrest. The marshals, under the orders of a court, can arrest criminals; therefore they said, "We will have no marshals." When we told them we could not have courts without marshals, they said, "We don't want marshals at all." And they don't. Marshals interfere with their "moonshiners"—the men who distill whiskey in the mountains of North and South Carolina, and Georgia; and they don't want any courts, because the courts interfere with their Ku-klux at the polls. It is a false assumption on their part. What they want is not free elections, but free fraud at elections. They have got a solid South by fraud and violence. Give them permission to perpetrate the same fraud and violence in New York city and Cincinnati, and New York and Ohio, with the solid South, will give them the Presidency, and that once obtained by fraud and violence, they would hold it for a generation. To-day 8,000,000 of people in the southern States control the legislation of the country through caucus dictation, as they controlled their slaves when slavery existed.

When the Republican party took the reins of government we were the derision of the world.

We had but one friend—little Switzerland. Not a nation but hoped and prayed that the government might be overthrown. Not a nation poor enough to do you reverence. We fought the battle through. We raised the national dignity and the national honor, power, and strength, until to-day, after eighteen years of Republican rule, there is no nation on earth strong enough not to do you reverence. Your credit stands higher than that of any other nation on the face of the earth. We saved the national life and the national honor. Notwithstanding all this, there are persons who say that the mission of the Republican party is ended, and that it ought to die. If there ever was a political organization on the face of the earth which, so far as a future state of rewards and punishment is concerned, is prepared to die, it is that old Republican party. But we ar'n't going to do it. We have made other arrangements. The Republican party is the only party that ever existed that had not one single, solitary unfulfilled pledge left. I defy its worst enemy to name a single pledge it ever gave to the people who created it which is not to-day a fulfilled and established fact. If we should die to-day, or to-morrow, our children's children, to the twentieth generation, would boast that their ancestors belonged to the old Republican party that saved the Nation and wiped slavery from its escutcheon. Ben Hill said in my presence that he was an ambassador from the sovereign State of Georgia to the Senate of the United States. Suppose he should go into Africa or India and get into a little difficulty, do you think he would raise the great flag of Georgia over his head and say, "I claim protection?" Take the biggest ship that sails the ocean, put on board of her the flags of all the States that were lately in rebellion, raise to her peak the stars and bars, and start her, with all her bunting flying, on a cruise around the world, and she wouldn't get the salute of one pop-gun. But take the smallest ship that floats, mark her

U. S. A., raise to her peak the stars and stripes (the flag of this glorious Union), and start her around the world, and there is not a fort, nor a ship-of-war of any nation on God's footstool that would not receive her with a national salute. We took your government when despised, and raised it to this high position among the nations of the earth; and yet we are told that we ought to die. I tell you that the mission of the Republican party is not ended. Furthermore, that it has but just begun. And furthermore, that it will never end until you and I, Mr. Chairman, can start from the Canada border and travel to the Gulf of Mexico, making black Republican speeches wherever we please, and vote a black Republican ticket wherever we gain a residence, and do it exactly with the same safety that a rebel can travel throughout the North, stopping wherever he has a mind to, and running for judge in any city. [This reference to the rebel Lieutenant, Adolph Moses, provoked the wildest kind of enthusiasm].

I hope after you have elected him judge he will not bring in a bill for lost time.

You are going to hold an election next Tuesday that is of importance far beyond the bor-

ders of Chicago. The eyes of the whole world are upon you. By your verdict you are forth greeting to the people of the States, saying either that you are in honest men, honest money, patriotic national government, or that you are in soft money, repudiation, and rebel rule. I want every single man in this vast assembly to consider himself a committee of one from now until the close of the polls to the polls early and stay late; and every mother's son of you decide that you will not let one man besides yourself to the polls who would not otherwise go. Find a man who might stay away, and see to it that he will not. If you find just such a man, try to convert him from the error of his ways. You have much at stake to risk it at this election. Times are too good. You cannot afford to let this government over to the hands of repudiating rebels. Shut up your stores, up your manufactories. Go to work in your country and spend two days, and on the day of the election send me, Mr. Chairman, a patch that Chicago has gone over to the Republican.









JOHN A. LOGAN.

ENGRAVED FOR ORATORS AND ORATORY, FAIRBANKS, PALMER & CO., PUBLISHERS.

## JOHN A. LOGAN.

**A**MONG the prominent living statesmen of Illinois, John A. Logan stands in the front rank. A brave soldier, a sagacious and skillful commander, and a popular leader, he has made his influence both the military and political his- of his country. He was born in on county, Illinois, February 9,

In his youth, he enjoyed but lim- educational advantages; but, being sed of good faculties, he gathered, rofited by, a liberal fund of infor- 1.

en the Mexican war broke out, he d in the First Illinois Volunteers as ate. He was advanced to the post rtermaster, with the rank of first ant. After returning from the ie was elected clerk of the courts native county. He chose the law profession, entered upon his pre- ry studies, and graduated from the rsity of Louisville in 1852; was dmitted to the bar, and began to e, rapidly winning his way to nence in his profession, and to an ive and remunerative practice. He ntered upon political life, first as a

member of the State Legislature, in 1852-3 and again in 1856-7. He filled the office of prosecuting attorney from 1853 to 1857, and in 1856 served as a Pres- idential elector. He was elected a mem- ber of Congress in 1858, and re-elected in 1860. Up to this time he had been a member of the Democratic party—his last election to Congress being as a Douglas Democrat. He opposed the right of secession, supported the measures looking to a peaceful solution of the trou- bles, but, when the South began war, he was for the vigorous prosecution of it to maintain the integrity of the Union.

In July, 1861, while a member of Con- gress, he took his part in the battle of Bull Run, with a musket in his hand. Soon after this he resigned his seat in Congress, returned home, and raised a regiment for the war, of which he was appointed colonel, in September, 1861. In March, 1862, he was appointed a brig- adier-general, and the latter part of the same year, for meritorious conduct, was advanced to the rank of major-general.

With his regiment, he took part in the battle of Belmont, and afterward in the battle of Donaldson, where he was

wounded. He was at the battle of Pittsburg Landing, and in the operations following in that section. He commanded a division of the seventeenth army corps during the Vicksburg campaign, taking a prominent part in the engagements at Port Gibson, Champion Hill, and the immediate investment of Vicksburg. He rendered distinguished service during the march of Sherman's army to Atlanta, and in the capture of that city. He commanded the Fifteenth Army Corps until the fall of the lamented General McPherson, when he succeeded that officer in the command of the Army of the Tennessee. He assumed this position in the face of the enemy, and in the confusion of battle, and elicited the praise of the commanding general, W. T. Sherman. This position was only temporary, as Gen. Howard was appointed to the command of that army.

After the fall of Atlanta, Gen. Logan returned home, took a prominent part in the pending Presidential campaign, and then rejoined his command on the arrival

of Sherman's army at Savannah. He commanded his corps during the march through South Carolina, and into North Carolina, until May, 1865, when he succeeded General Howard in the command of the Army of the Tennessee. He was elected to the Fortieth and Forty-first Congresses, and was elected to succeed Richard Yates in the Senate, taking his seat March 4, 1871. He failed of a reelection at the expiration of his term, being defeated by Senator Davis, who was supported by a few disaffected Republicans and the Democrats. In 1879 he was again elected to the Senate, to succeed Richard J. Oglesby.

In 1880 he was an ardent supporter of General Grant for the nomination to the Presidency, but cordially supported James A. Garfield, who was nominated by the Chicago convention.

Mr. Logan is one of the ablest and most popular campaign orators in the United States, and exerts a strong influence in the legislative counsels of the nation.

### RELIEF OF FITZ-JOHN PORTER.

*Mr. Logan's Speech, delivered in the United States Senate, March, 2nd, 3d, 4th, and 5th, 1880.*

MR. PRESIDENT: The questions which are presented for the consideration of the Senate by this bill and the amendment are important, not only to be considered in reference to the

individual who asks relief at the hands of Congress, but as regards the establishment of a precedent. In order that we may properly understand this case and the questions presented

therein, I give notice that in this discussion, if at any point any Senator desires to interrupt me for the purpose of obtaining information, or for the purpose of having light thrown upon the case, it will give me great pleasure to throw open the gates, so that we may have the matter fairly and honestly understood. I have no desire to appeal to prejudice or passion, but my only desire is that the case may be fairly understood by the Senate, that neither sympathy for the individual shall carry us away from our duty, nor shall prejudice against him warp our judgment in forming our conclusions.

I listened yesterday to the Senator from New Jersey [Mr. Randolph] with great pleasure. I could find in his appeal a warm heart and a strong degree of friendship toward the man who asks Congress for its action, truly commendable, and I can join hands with him to-day in eulogizing the brave conduct of any man, no matter upon what field or at what time that conduct has been exhibited in the right manner. I would not for one moment detract from the honor to which Fitz-John Porter was entitled by reason of his gallant demeanor in the war with Mexico, or on account of his soldierly conduct in the recent war, at any time where that conduct was proper. I am willing to give to him the meed of praise which he deserves on all occasions where he did well for his country. No man will say that I shall attempt in this argument to detract from him or his reputation in any improper manner. There is nothing, in my judgment, of which a man should be more justly proud than that character he has obtained by vindicating and upholding the flag of his country. No man should be willing to detract from that reputation improperly, nor shall I. The faithful soldier or citizen who stands in the time of his country's trial by his country and by its flag, true to the end, will never find me seeking to detract from his well-won reputation. But, Mr. President, unfortunately it sometimes happens in the

career of men that there is a stopping point at which their reputation does not shine out so brightly as it did in former years.

My friend, the Senator from New Jersey, yesterday alluded to Benedict Arnold as being by the side of this man in accusation if this man were guilty. I do not bring forward the name of Benedict Arnold for the purpose of making invidious comparisons; but I say, in response to what was said by the Senator, that, at one time during the revolutionary war, the star of Benedict Arnold shone as brightly in the galaxy of good commanders as the planet of any other general. Sir, at the battle of Saratoga, scaling the breastworks, leading the forlorn hope, and receiving almost a mortal wound, General Benedict Arnold proved himself as gallant a soldier as ever drew a blade in the service of any country. So, sir, up to the time that Benedict Arnold failed in allegiance to his country, he enjoyed as eminent a reputation as the historian ever gave to any American soldier. So when my friend says that former reputation should be taken into account, I agree with him. Former reputation is properly received in the trial of all criminals where there is a doubt; then a man's good reputation shall be cast in the scale in his favor, and so I am willing to treat this case or any other case. But former reputation has never been and never can be a defense for the violation of law. Good reputation is no defense or excuse for violated law or violated justice. If General Porter be not guilty of the offenses charged, then his reputation should not be tarnished; but if he were guilty of the offenses of which he stood accused, no reputation, however bright it may have been, can wipe out the stain of violated law.

Mr. President, I wish to consider this proposition at this time from a legal standpoint. I state the law to be, first, that Congress has no power under the constitution to set aside the verdict of a court-martial, when it has been once approved by the President of the United

States, where that court-martial was held in conformity with the law. I state, secondly, that the only power in existence, under the constitution, to restore Fitz-John Porter to the Army is not by the action of Congress, but by the President of the United States first pardoning him. Part of the sentence now resting upon him is that he shall never hold office under the government. That being to-day a part of the sentence under the law, prohibiting him from holding any office of profit or trust under the government, the President must first pardon him, and when pardoned then Congress may authorize the President to do, what? To appoint him an officer in the army, but not to relate back and pay him while he was not such officer. I state this to be the law, and I will demonstrate it so clearly to the Senate before I conclude my argument, that no person may gainsay it unless he closes his eyes and avows his determination to remain blind to all law and all facts.

Many persons—and there is the error into which I presume the Senator from New Jersey has fallen—come to the conclusion that, because a court-martial is not a court or repository of powers mentioned in the language of the constitution which provides for our judicial courts, therefore it is not a court of competent and proper jurisdiction. Out of the provision of the constitution authorizing Congress to “make all needful rules and regulations respecting the territory or other property belonging to the United States,” grow what are known as territorial courts. A court in a Territory, consisting of judges appointed by the President and confirmed by the Senate for a term of years, having jurisdiction to try causes, is not such a court as is contemplated by the third article, first section, of the constitution, which provides for our judiciary; but what kind of a court is it? It is a court growing out of the necessity under that property provision of the constitution, and has so been held by the Supreme Court of the

United States, and is called a legislative court.

So, too, in reference to courts-martial. Courts-martial do not originally grow out of the provision of the constitution, (article 3, section 1,) but grow out of the provision “to make rules and regulations for the land and naval forces; but they are courts established by our law which grow out of those provisions of the constitution like those which support the territorial courts, from the necessity of the case. The necessity existing, Congress then provides for the organization of such a court, how it may be organized, what authority it shall have, and what it may determine, and therefore it becomes a legislative court under the constitution. Being a legislative court it is recognized by the Supreme Court of the United States, and whenever it decides a case within its jurisdiction within the scope of its authority and power within the law, that case when decided and approved by the President is a finality, and no court, or legislature, or President has the power to annul it, there being no appeal provided by law. This is the law as I understand it.

The laws of peace and war bear a relative and just relation to each other, as in time of peace the law is the paramount authority which preserves the order and well-being of society so in time of war its laws are the paramount authority which preserves the order of the Nation and protects and perpetuates its existence. There is a common law of war as there is a common law of peace; both come from real necessities and from the same source.

Our common law is the result of the experience, necessities, customs, and decisions of the English speaking races. Martial law, the common law of war, is the result of the experience, necessities, customs, and decisions of all civilized nations. The occasions for the use of martial law are less frequent and more exceptional than the other, but the sources are more varied and more universal; for peace is the natural and customary state; war is unusual and fre-

quently unexpected. When a state of war exists martial law comes at once into force, and martial law has its own tribunal as well as its own code.

Ordinary tribunals are insufficient to meet the emergency, and therefore the proper ones are at once constituted, and thus martial law in our country when war exists, being part of the law of nations, is held by some writers to be beyond the constitution, by others, more advisedly, to become part of the constitution. It is not an uncertain exercise of arbitrary authority, but is well defined and thoroughly fitted for its duties, which are exercised through competent tribunals of final jurisdiction. Among these tribunals are courts-martial. What we call military law in this country is mainly statutory and consists of the rules and regulations for the government of the Army, the articles of war, and the practice, decisions of courts, and opinions of judge-advocates-general. But it receives its principles from martial law, adopts its tribunals, and, so far as it goes, confirms and establishes, by the approval of Congress, the rules, courts, and methods, designed and adopted by usage in martial law. And thus courts-martial, having their origin in the necessities of war and as exponents of the jurisprudence of that state of affairs, are recognized and determined as courts of special and final jurisdiction by our statutory enactments. The judgment and finding of a court-martial, properly constituted, on matters within its clear jurisdiction, when once approved by competent authority is absolutely final, and there exists no authority which can review or annul it.

I state that as the law sustained by every court that has ever passed on courts-martial in this country. It is as full of binding efficacy, and as thoroughly entitled to respect as the judgment of the Supreme Court, within its proper jurisdiction, for it is the final judgment of the highest court known to the system of law which it administers. No future Comman-

der-in-Chief can annul the act of his predecessor in confirming such finding; no act of Congress can declare void the proceeding and sentence, especially when the condition of war has ceased, and the condition of peace has returned. When the military tribunal has perished with the state of war, it is incompetent for any authority, or all authorities combined, to re-examine with a view to annulling the former sentence. The President has no power to revoke and annul a sentence—treat it as if it had never been—and restore to rank, place, and pay, to date from the time of the loss of each of these; nor can Congress confer such a power on the President, either by direct law commanding him, or by indirection authorizing him.

The first is direct contravention of his constitutional freedom of action; the second is to reverse by law the final decision of a competent court, and to give rank and pay where there has been no service to earn either the rank or the pay. The one would be usurpation of the constitutional rights of the Executive, the other, equal usurpation of a recognized judiciary.

Then, if I am correct, the question is, was the court which tried Fitz-John Porter a lawfully constituted court? It was authorized by the statutes of the United States; it was in accordance with the law. It convened in accordance with law. The order convening it followed the statute. It was convened by proper authority; it had authority to swear witnesses, to issue process, to bring them before it, to bring the accused before it and require him to answer, which he did. It was a court, when organized, to which he made no objection whatever. It was organized, not as the Senator from New Jersey stated yesterday, of men prejudiced and biased on one side or the other, but organized of as good men as could then be found, or as can to-day be found within the confines of this great country. No man can stand on this floor and charge this court with being a court made up of inferior men; with being a court made up

for the purpose of convicting, as was insinuated yesterday; nor can the Senator charge that this court was brought together by order of a person who was the accuser of Fitz-John Porter, for that is not true. This court was not organized by General Pope. It was not organized by the enemies of Fitz-John Porter. This court was organized by reason of information coming to the President of the United States upon which he thought General Porter ought to be tried, and on that information he was arraigned.

Taking into consideration the composition of this court-martial, and the fact that Fitz-John Porter was defended by one of our ablest lawyers, Reverdy Johnson, and the character of the men who tried him, I must say that gentlemen of more exalted reputation in this country never before were called together as a court or tribunal for the trial of any man, be he high or low, for the violation of either civil or military law. And when we come before this body to impeach the judgment and verdict of a court of that character, for the purpose of re-instating a man in the army, and contributing to him a sum of about \$60,000, more or less, for services never performed, it seems to me at least it should call for attention and calm consideration at the hands of a body so eminent as the Senate of the United States.

You are asked to overturn the judgment of nine distinguished officers who were sworn to hear, try, and determine the case, and to do justice therein, with all the evidence before them. And to overturn it! Why? Forsooth, because three gentlemen no more skilled in war and certainly not more versed in the law, have, sixteen years afterward, from enemies' evidence, from testimony that has been shadowed, and shaded, and mildewed by time, say that they believe injustice has been done. An unsworn board of three officers, without authority in law, without any jurisdiction of the case, without the right to try or determine any fact whatever,

without the power to send for or swear a witness under the laws of the country, make a certain report, and Congress is asked thereupon to overturn the previous decision upon this statement of an empty and inchoate board of this kind. And our friend, the Senator from New Jersey, appeals to us in behalf of these three honorable gentlemen. I do not dispute their being honorable men; for all men are honorable until the contrary be shown. But their judgments are no better than ours—no better than the judgments of any other men.

Mr. President, it is very clear, from an examination of the order issued by the President convening the board, that it was not convened for the purposes for which its members conclude they were convened. The President says:

In order that the President may be fully informed of the facts of the case of Fitz-John Porter, late Major-General of Volunteers, and be enabled to act advisedly upon his application for relief in said case, a board is hereby convened, by order of the President, to examine, in connection with the record of the trial by court-martial of Major-General Porter, such new evidence relating to the merits of said case as is now on file in the War Department, together with such other evidence as may be presented to said board, and to report, with the reasons for their conclusion, what action, if any, in their opinion, justice requires should be taken on said application by the President.

What action could the President take? No action could be taken by the President, because there was no law authorizing this board to be convened. There was no law authorizing the President to take any action except the action to which he was entitled by virtue of his power under the Constitution, as the Executive of this Nation; that is, to exercise the pardoning power. Hence, there can be no inference drawn from the order that the board was to examine and reverse the proceedings of the court-martial and recommend that its proceedings should be annulled or set aside. The board was to bring such testimony to the notice of the President as it might find in the War Department, or such as might come to its attention to show the President the justice of what? Of his action, if he should undertake to exercise



the pardoning power! There could be no other inference drawn from the order. The board proceeded to examine witnesses for two or three months, and then resolved in its report that the President should do what? That he should set aside the proceedings of a court-martial that had been approved by a President sixteen years before! Yet my friend, the Senator from New Jersey, said that some of the members of that board were good lawyers. I hope, if any of them were good lawyers, that charity at least will lead us to believe that in the exercise of their duty as military men they had forgotten the law they once knew; for if there be a man so ignorant of the law in this country as to recommend the President to set aside and annul the action of a court-martial, sixteen years having passed, where the sentence had been approved by a former President, I pity the ignorance of that lawyer. Yet the board asked the President as a legal proposition to do this.

Let me ask, in what capacity was this board to act? and I will give what I have written in reference to this point as concisely as possible.

In what capacity was this board to act, under the order convening it? It seems that by that order they were merely to report such evidence as was on file in the War Department, and such other as might be presented to the President, so that he might be informed as to what action he should take in the premises.

The board, however, as I say, recommend that the President shall annul the findings and sentence of the court-martial. No commission created by the President has power to review for any purpose except for the purposes I have stated. They do not and cannot act as a court in any sense whatever. Such a commission is simply an association of gentlemen convened for the purpose of collating the facts to be presented to the President, not for the purpose of making reports and suggesting to the President to do an unlawful act, but merely for the purpose of performing a labor, to take it off his hands, to collect evidence in reference to a certain point upon which he desires to be advised.

I do not desire to criticise that board severely, but I do say that its action in the premises is unwarranted. In the case of Hammond a law was enacted authorizing the appointment of a board, and the board was appointed, but none was ever authorized in the case of Fitz-John Porter. It was an *ex parte* proceeding, without authority in law, and without precedent.

Yesterday my friend, the Senator from New Jersey, criticised remarks in the report that I had made. He referred to that portion of the report where I said that the conscience of Congress may be prepared for sundry raids on the Treasury in favor of officers who had been dismissed from the service. I said this, and I do not take one word of it back. This was my language:

Possibly it may be said by some that by such means the consciences of Congress may be prepared for sundry raids upon the Treasury in favor of officers who have been duly dismissed from the service of the United States.

And I said more than that, to which the Senator did not allude, but I will read it:

When by lapse of time, death of witnesses, failure of memory, etc., a case may be made on *ex parte* testimony by which they may be restored to rank and pay for services never rendered.

I said that; I repeat it to-day, and I am justified in repeating it upon the ground that there is no law, precedent, power, or authority for any such proceeding as this. Hence, if the President has not the power to annul a court-martial which has acted with authority, and if Congress shall restore a dismissed officer to the army, the act to date from the time he was dismissed, with pay and allowances back for sixteen years, during which he performed and could perform no service, then I say it is a walking-plank upon which Congress steps to an easy conscience, by which it may reward men by appropriating \$50,000 or \$60,000 to them because of a feeling or sentiment that there has been some laceration of their character.

I said more than that. If the Senator will

give me his ear I will tell him more that I said. I said:

In this minority report we will not undertake to examine as to incorrect statements upon which the unwarranted conclusions of the board of officers are based, who have attempted to review and pass judgment upon the proceedings of the court-martial which tried General Porter. Neither the legal status of the board, nor the facts in the case, would warrant such a course. Their report—

Mark my language, which I repeat here to-day—

Their report is an assumption of superior information and sound judgment on their part, and an assertion of erroneous opinions on the part of the court-martial. These assumptions are not borne out or justified by the records of the case. How could this board know what facts brought the minds of the court-martial to its conclusions? How could the board tell what evidence had weight and what did not? The record did not give such information, and how could they obtain it? They assume that after the lapse of a short time witnesses become confused, but that after a lapse of sixteen years the confusion ceases, and that then their minds become clear.

Further than that, I said:

The whole appearance of this case indicates that it was made up by those who desired to introduce confusion and misconception into it; who knew that the board which was to hear it was composed of gentlemen who were not lawyers, and whose minds, consequently, for lack of legal training, would be the more easily satisfied.

I repeat that to-day in reference to this board. I repeat that the whole report of the board shows from beginning to end, if you will compare it with the arguments of the counsel on the part of Fitz-John Porter, that it adopts almost the very language of his counsel. I do say that it was a misconception on its part; I do say that confusion was thrown into the case; I do say that it was deceived in reference to the facts and as to its authority in the premises, and made a report upon pretended facts that did not justify the board to come to the conclusion it did.

On the point which I have discussed in reference to the legal proposition which I asserted in the outset, I desire to call attention to a fact to which I referred in the early part of my remarks. The Senator from New Jersey spoke of precedents, and cited the Hammond case. I am willing to concede for the sake of argument that the Hammond case was precisely such a case as the present, in this, that the decision of

the court-martial was the same. I am willing to admit that, for the purpose of giving the Senator all the advantage that he can derive from that precedent. That act was passed through the Senate, I believe, by a vote of fifty-five to one. Take it all for granted, and it only proves that the Senate of the United States, like any other body which has not examined a question, may pass by a unanimous vote that which is palpably in violation of law.

Suppose that the Hammond case should be entirely "on all fours," as lawyers commonly term it when they find a case in point and accord with that under discussion. Because the act appears to have been called up without examination, and to have passed Congress without reading the report or understanding the case before it, is that any reason why another act should pass when it is squarely in the face of the law?

I have previously said, and I repeat it now, let the Fitz-John Porter case be a case understood by the Congress of the United States, and then let action be had after full understanding, and the law be that which shall determine us hereafter.

Let me see if I am correct. I asserted, first, that Congress had no power to set aside the action of a court-martial; I asserted, second, that the President had no power to do it; and, third, that the decision of a court-martial is as final as a decision of any other court of the United States, and could no more be interfered with than a decision of the Supreme Court of the United States. I assert these three propositions. I do not wish to weary the Senate, but I have here decision after decision, and in order that Senators may understand the side of the case that I advocate, I want their attention while I refer to the law.

In sixth volume of Opinions of Attorneys-General, pages 513 and 514, you will find the case of Howe, who had been convicted by a court-martial and the sentence approved by the

President. The Attorney-General cites quite a number of authorities, and I ask your attention now to what is said, to see whether it be "on all fours" with this case:

The decision of the court-martial upon the case of Captain Howe was within its proper jurisdiction and rightful cognizance; and even if the point had been erroneously decided it would have been an erroneous decision only, not a void judgment. The error would have been subject to be reviewed, and corrected only by the commanding general.

As the general in command affirmed the sentence, and it has been carried into execution, there is now no longer any power competent to review and reverse that sentence. This point is considered in my opinion of the 13th of March, 1851, in the case of Lieutenant Devlin, (*ante*, p. 369.) That is in accordance with the opinions of Attorney-General Wirt, (October 1, 1823, 1 vol. Opinions, ed. 1851, p. 496;) Legare, (3d April, 1843, *ante*, vol. 4, p. 170;) Nelson, (6th Nov. 1843, same vol., p. 274;) and Toucey, (Sept. 8, 1848, vol. 5, p. 28.)

A decision made and executed under one President is not liable to be reviewed and annulled under the administration of another.

Mark the language. I think that is pretty well "on all fours" with this case. The Attorney-General proceeds:

Mr. Wirt said, (in the opinion before cited,) "If a decision made, in regard to these gentlemen, eight years ago, during the Presidency of Mr. Monroe, is open to review and reversal, I do not see upon what principle of discrimination we can refuse to review and reverse a decision made during the Presidency of Mr. Washington."

Nor do I see upon what principle we could refuse to do so. The opinion of Attorney-General Toucey, and the opinions of Attorneys-General after Attorneys-General are here cited, to the number of eight or ten, reviewing cases of courts-martial, and they each and every one decide that there is no power to either review, annul, or reverse the decision after it has once been approved.

Mr. President, I was, yesterday when the Senate adjourned, discussing this case from a legal stand-point as well as I could present it. I was on the point then that neither the President of the United States nor the Congress of the United States had the power to review, or reverse, or annul the judgment of a court-martial lawfully authorized, following in the track of the law in its proceedings, the verdict being consonant with law and approved by the

President of the United States. I had read some authorities on that point. I desire to continue, and I now give the Senator from New Jersey this notice. I did not intend when I commenced this debate to do anything except follow out the legal propositions; but inasmuch as I see that evidence is to be distorted, I now give him notice that before I am done with this case I will examine the evidence and lay it before the Senate; and I say now, more than I have said before, in the examination of the evidence I will make it so clear to this country that his friend, Fitz-John Porter, intentionally disobeyed orders that he would probably have obeyed if they had been issued by some other commander, say General McClellan, that the country cannot mistake his intention.

Is there a man here who will pretend that Congress can review, set aside, or annul a decision of the Supreme Court or any other civil court? If so, I want to know from whence this power comes. If the legislative department of this government can encroach upon the rights of the Supreme Court or the Executive of this Nation in one instance, why can it not in every instance? If you can set aside a decision in one instance, why not in all instances? If the legislative department by passing a law in the nature of a pardon can acquit, set aside, or turn loose a man convicted by a court-martial, I ask why it cannot turn loose every man in the penitentiary to-day who has been convicted by one of the United States courts? Why not? If the Congress is going to undertake the pardoning business for the relief of men who have been convicted of crime, why not open the doors of the penitentiaries and turn them all out? We have the same right to do it; and if we are to use this power for political favorites, let the Democrats turn their friends out now; we ours when we get the power. Sir, is such a rule as this to be established? I hope not for the honor of our country.

Why, sir, there have been one hundred and six cases in our army where officers have been dismissed the service for gross misconduct, and where the penalty has been attached, that they shall hold no office of profit or trust under the government. Many of them may be poor men. I do not know who they are; they may all say their honor has been touched; their honor has been clouded by calumny and abuse. Ah, sir, "touch not my honor!" Some of them come and ask you, saying, "touch not my honor;" but they do not come begging for the doors of the Treasury to be opened to them. When you speak about the honor of your friend, tell me what honor there is attached to coming before this Congress to have violated honor smoothed over and cured, if it is wounded, when along with it comes the payment of \$60,000! "Oh, my honor has been injured; but \$60,000 will repair the breach!" Merely "honor!" This man wants his "honor" untarnished, he says, Well, sir; if *my* honor is assailed by having a court punish me, and *I* come before my country and say, "my honor is assailed, *I* want you to restore my reputation;" and if at the same time Congress says, "If wrong has been done to your honor we are ready to correct that wrong if we find that we have the power," I ought to be glad when Congress says that; but *he* sticks his hand behind him and says, "\$60,000 will correct it better than merely a restoration of my honor!" Well, that may be the way in this country to patch up a man's broken reputation. I shall have more to say about this before I am done.

When we speak about the legislative department of the government authorizing the President to revoke, annul, or set aside the sentence of a court-martial, or when we ourselves undertake by legislative authority to place on the army roll a man, no matter who he may be, without appointment and confirmation, when we undertake to pay a salary for labor never performed; when we undertake to set aside the

decision of a legal tribunal of this land, we go beyond the proper sphere of our action, and beyond the scope of our authority.

Now, sir I want to call the attention of the Senator from New Jersey especially to this one fact. In his defense of Fitz-John Porter, he spoke of the impossibility of his marching that night. Here let me draw the line between Union generals and Confederate generals. If a Confederate general had heart enough in his cause to march on the night of the 27th, the whole night, with his whole army, bag and baggage, and form a line to receive our troops next morning—if he had thus much heart in his cause, I can compliment him and give him praise for his energy and zeal in the cause he had espoused.

Then take the case of General Jackson, the Confederate general. Henry Kyd Douglass, of the Confederate army, one of General Jackson's staff officers, an inspector, etc., testifies before this board that on the night of the 27th August, 1862, General Jackson moved his entire army from Manassas Junction to a line between Centreville and Groveton, and there took his position. General Jackson, of the Confederate army, having heart in his cause, moved out of the way of Pope's troops on the night of the 27th from Manassas Junction around to Centreville and back between that and Groveton to a line, with his whole army, bag and baggage, ammunition, and everything else. Now, sir, if a Confederate general could do that, I ask you why not a Union general?

Sir, it will not do to say that the darkness would prevent it, for the same kind of darkness would have equally affected the Confederate army. But, sir, if you have no heart in a cause then you can find excuses. I will not say Porter had no heart in the Union cause, but he had no heart in the cause at that time to win a victory under General John Pope. He did not intend it; he did not intend to move, and he did not intend to give his support

Why, sir, not only that, but his counsel, unfortunately for him, called witnesses from the Confederate soldiers. On the board record, page 822, General Jubal A. Early, a Confederate general, swears that he marched his command on the night of the 27th of August and experienced no difficulty whatever in so doing. I believe General Jubal Early was a division commander. I am not sure. If any of my friends on the other side will tell me I shall be obliged to them.

SEVERAL SENATORS. He was.

MR. LOGAN. He marched his command, which was a division, during the night of the 27th, and swears that he experienced no difficulty whatever in making the movement. Movements of armies in the night-time are sometimes the most important that are made. The very movement that was made by Jubal Early and by General Jackson on the night of the 27th, gave them the position they occupied when Pope's forces attacked them and when Fitz-John Porter's forces failed to attack along with them.

The Senator from New Jersey says that Fitz-John Porter under the command of General McClellan did gloriously. I infer that if this order had been issued by General McClellan instead of by General Pope he would not have found the night quite so dark. Perhaps he would have found the way more easy for the purpose of getting his army on the field of battle. But it was not issued by the chief whom he admired, but by a general for whom he had contempt, and for that reason he intended that that man should be baffled, if he could baffle him and yet escape the clutches of the law.

Mr. President, this is the particular excuse, (darkness of the night,) and the one to which I direct the most of my remarks; because, unless there be a justification for the disobedience of this order, the finding of the court-martial in this respect was certainly proper and certainly

lawful. It is well known and well authenticated in history that some of the greatest battles have been fought succeeding night marches. We may take, for instance, the history of olden times and come down to the present. When we go back to the ancient days of warfare, as Senators will remember, we find that the Athenian general, Demosthenes, led the Athenians against the Syracusans in day-time and was repulsed, but when darkness had set in Demosthenes formed his men in columns, each soldier taking five days' provisions. Thus equipped he led his troops to the interior of the island, wending their way up along the face of the cliff, and succeeded in completely surprising the Syracusan outposts, and Demosthenes placed his troops fairly on the extreme summit of the all-important Epipolæ. We find, too, that prior to the great battle of Arbela, fought between Alexander the Great and Darius, Alexander made his long march at night, starting at dark, and, arriving on some high ground overlooking the camp of Darius at daylight, remained one day before attacking the Persians. So we find that in the battle of the Metaurus, where Nero, Livius, and Portius succeeded in taking Hasdrubal, the Carthaginian, the marches made by the Romans were successively after night. Night and day their marches were made until they came to the camp of the enemy, and fought that great battle where Hasdrubal, the son of Hamilcar, and the brother of Hannibal fell.

So, too, we may take some of our own battles. We may cite, for instance, the battle fought near Saratoga, which is commonly known as the battle of Saratoga. After a hard battle, we remember well, that at nightfall Colonel Brooks turned Burgoyne's right, and Burgoyne had to escape, withdrawing his whole force in the night to some heights near the Hudson. So, too, we find that the assault on and capture of Stony Point on the 15th of July, 1779, was made at twelve o'clock at night by

Anthony Wayne. Both preparation and assault were made in the night-time. So, too, we might cite many other instances.

Fitz-John Porter, according to my friend, the Senator from New Jersey, has no equal in this country and never has had, so far as patriotism and soldierly bearing are concerned, yet he could not march nine miles in the dark with two divisions. But there once was a man in this country, now passed away and gone, but yet remembered by all, George Washington, who crossed the Delaware in small boats on the night of the 25th of December, 1776, when the ice was gorging and floating and crushing everywhere. He made his passage-way clear in the night and captured Trenton, the Hessians surrendering under Colonel Rolf on the 26th. There was no ice in the way of Porter; there was no Delaware in his march; there were no small boats in which to convey his troops over the waters, but he had the solid *terra firma* to stand and move upon.

We might continue these illustrations. We well remember the history of our country when Washington, on the night of the 29th of August, 1776, withdrew from the front of the enemy and crossed from Long Island to New York, over a broad river.

Let us then come down to our recent war. Within the sound of my voice there are many who well remember the marked instances that transpired in the night-time. I remember well when our transports, rickety old Mississippi River steamboats, ran the batteries of a hundred heavy guns at Vicksburgh, in the darkness of the night. I remember well when we set out from the bank, the fog so dense that you could hardly see your hand before you, and under the rain of shot and shell as if it were pouring down from the heavens, these boats with supplies passed the batteries, and following them, our commands marched on the other side of the river. I had the honor to command one of these divisions. We marched at night

from Hard Times Landing, a distance of eight miles, and arrived at Bruinsburgh next morning. I crossed the river on a boat and marched to the battle-field of Port Gibson, arriving at that battle, a distance, I believe, of twelve miles, by twelve o'clock. Talk about troops not performing marches in the night time! Here, after eight miles march in the night, I crossed in the morning eight thousand men, horses, artillery, etc., on a steamboat, the Mississippi River, and marched twelve miles and was engaged in battle by twelve o'clock.

But, sir, we were willing to fight. We loved our country, and we believed in obeying orders. I do not speak of myself in this connection, except that my division was the rear division and we had to march in the night-time.

I could give other instances, and plenty of them. The first battle of Jackson, in Mississippi, is well remembered, which was fought on the confederate side by General Joseph E. Johnston, a very brave general, too, who, I think, hardly had a peer on that side. Opposed to him was the now General of the army, commanded then by General Grant. I remember McPherson's command coming up that day. Hearing the sound of the guns, McPherson marched forward to that sound. Pemberton had come out from Vicksburgh, and was on our rear. We turned and marched to the rear, and the night before the battle of Champion Hills, at one o'clock in the morning, we moved promptly and marched some twenty-two miles, and at twelve o'clock that day my division was in the battle at Champion Hills. They went into line of battle, forming in an open field, singing:

Old John Brown's body lies moldering in his grave.

Do men make excuses about a man not obeying orders to march nine miles and a half in the night, when required? Nobody ever gave as an excuse for not being on the battle-field when our commander said we must

be there, that it was dark, or that wagons were in the way? No, sir; these excuses will not do.

The idea of a man putting in an excuse that when a general is within the sound of the enemy's guns he must sit down by the road and wait for somebody to order him to fight, is simply absurd. In the battle of Champion Hills I remember well when the divisions were drawn along up in the outskirts of timber, a cotton-field to our rear, General Grant off by an elm tree for his headquarters. Late in the afternoon a certain officer with one orderly, without orders, rode down through the woods for a mile and a half and found where the left of the enemy rested. He rode back to General Grant and said: "My division is not all needed where it is; let me take part of it and go there, and I will get to the rear of the enemy." General Grant said, "Go." That officer did go; he went to their flank and rear, and in a very short time thirteen guns had been captured with two or three regiments, and Pemberton's army was in retreat. That officer had no orders; he asked to do this.

It has been sought on behalf of Porter's friends, in the argument, to put the receipt of this order at a later time, for the reason that in a communication, which he dated at six A. M., to General Burnside, he said he had just received the order, and also to put the time of his departure from Bristoe toward Manassas Junction at half-past six o'clock, because Porter in the same dispatch to General Burnside said: "I shall be off in half an hour." As to the time of the receipt of the order it is sufficient to say that his own exhibit presented to the general court-martial on his trial shows the hour of receipt to be at 5.30 A. M. His own witness, General Morell, on that trial (G. C. M. Record, p. 146) said the dispatch was received between daylight and sunrise, not *after* sunrise, as narrated in Porter's statement, and that the leading division (Sykes's) did not march until

seven o'clock, and his own division followed immediately.

The fact remains, therefore, even on Porter's own showing in evidence, that the first order he received on the 29th of August 1862, was not promptly obeyed. At the hour of its receipt, as the troops were merely in bivouac, it seems quite plain that they were prepared for immediate movement, and already had their breakfast.

Mr. President, I must again apologize to the Senate for prolonging this debate. I desire to discuss to-day, in the presence of the Senate, two propositions that have not been under discussion heretofore, except incidentally.

I propose to speak, first, to the question whether or not on the 29th day of August, 1862, there was a battle at Groveton, or near there; and, second, as to whether or not there was any considerable force in front of Fitz-John Porter during that day. He claims, and in fact the Senator from New Jersey claims, that there was a force of twenty-five thousand confederates in his front. I intend at least to try to show, and not from evidence that my friend from New Jersey will be likely to dispute, but from the maps of the War Department of this battle, and from the evidence of Confederates who were that day in Porter's front, that there was no force of infantry in his immediate front during the whole day. I will demonstrate by indisputable evidence that the only force in his front consisted of a small battery of artillery and a force of cavalry. If I do not, then I am at fault. It will be observed that yesterday I introduced the evidence of General Porter himself, sworn to before the board of inquiry called the McDowell board, and in answer to the Senator from Indiana, showing that General Porter did not consider himself at all under the command of Major-General McDowell at any time really, but especially after McDowell had left him with his head of column at Dawkins Branch. That was about twelve o'clock. After

that he considered himself his own commander, under the order from General Pope, and his testimony so shows.

The second excuse was that there was no general engagement on the 29th of August—no general battle, in other words. This statement is most astonishing to any man who has ever read the reports of both sides, both of Union and Confederate officers. It is a most astounding statement to any one who has been conversant with the history of the war and its battles. If, for instance, you take the battle known as the first Bull Run or Manassas, where our forces retreated in hot haste, that has always been called a battle; it has always been called a general engagement; and yet, if you will examine the reports in connection with the first battle of Bull Run, or Manassas, you will find that the losses in killed, and wounded, and prisoners were a mere bagatelle compared with the losses in killed and wounded and prisoners on the 29th of August, 1862.

To show how fallacious was the statement of the Senator from New Jersey—of course not intentionally made to deceive—that there was no general engagement or battle on the 29th of August, 1862, suppose we examine the facts. The killed and wounded on that day—and when I say killed and wounded on that day, I do not leave it to vague conjecture—but from the reports of both sides carefully compared together, we find our losses to have been about 8,000 killed and wounded and missing on the 29th of August. If any one will say that where an engagement occurs between forces not amounting to over 30,000 or 40,000 on either side, and the killed and wounded are from 6,000 to 8,000 on one side, that does not constitute a battle, that person misunderstands what we comprehend a battle to be.

Mr. President, I hope at least that in the examination of testimony I have treated it fairly. One thing at least ought to strike the mind forcibly in reference to the very point that I

have been attempting to maintain in this case: Porter's disloyalty to his commander and his willful disobedience of his orders. The argument which I have made is that under our articles of war disloyalty to his commanding officer shown by disobedience of orders was just as criminal as disloyalty to his government, and by his disobedience of orders I assert the fact that he is responsible for the loss of the battle of the 29th. And the fact that he failed to strike the enemy as he was ordered to strike him, lost us the courage the men should have had, and lost us the battle of the next day, and the next, and our losses on account of his failure in those three engagements were twenty thousand men, thirty guns, and an immense amount of property. When I say thirty guns, I mean thirty cannon; how many small arms I do not know. I attribute this whole loss to Fitz-John Porter; for by obeying the first order on the night of the 27th of August, 1862, he would have struck terror into Jackson's forces by moving and being there promptly at daylight; their scouts would have known the force that was coming, and Jackson would have, in my judgment, retreated that day. But by failing then, first, he gave Jackson a chance to prepare for battle; by failing, second, during the battle he gave Jackson a chance to re-inforce himself with twenty-five thousand more men under Longstreet, which gave the battle to the Confederates and produced a great disaster to us.

Sir, our troops were dispirited on the 29th. "Oh, but," they say, "he fought gallantly on the 30th." Yes, sir, the Fifth Army Corps would have fought gallantly at any time, and if he had allowed the Fifth Army Corps to go in and fight on the 29th, they would have fought gallantly. The Fifth Army Corps may have fought gallantly a thousand times; but the failing on the 28th and 29th was the cause of the failure of this whole force, and he is responsible for it. It will not do to say that he came up next day and fought. I read the order last



it caused him to go up the next day. Pope directed him to report with his d in person to him on the field of hich he obeyed, not strictly, but that reason he came up on the 30th.

not do to charge, as the Senator from sey has charged, General McDowell faith when General McDowell went : 29th and fought gallantly late in the and his losses were heavy. It will not arge General Pope with being an us, or with going around without know- his command was doing. General not on trial. Every officer of the io knows General Pope knows better i. I served in the army with him as any others here. I know him to be a oldier, and, in my judgment, an officer merit. It will not do for the Senator w Jersey to charge Douglas Pope, the n who is dead, with having committed

I say to him that by that charge, unsustained, he has created a feeling wn of Springfield in my State, where Pope resided, anything but friendly he person who ventured to put forth alumnny.

sir, Douglas Pope's family is well and y known in the West. That, however, : protect him if he did wrong. But he ned by divers and sundry witnesses, i by the dispatches of General Porter which show that General Porter reat order in accordance with the state- Captain Douglas Pope. The Senator d that Douglas Pope had acknowledged officers of the army that he swore The evidence is here; and the Sena- ements are no better sustained in that r than they were in regard to General ell having made a false report or hav- n falsely; and the Senate knows how as sustained in that statement when nce was produced.

Now, sir, I have always understood when a man in his cool, sober moments acknowledged that he did a wrong, that was no reason why he should be excused from it; but, before I proceed to that, I will reply to the statement of the Senator from New Jersey in reference to Abraham Lincoln before his assassination having himself repented of his action in this case. Abraham Lincoln is dead. In my judgment few greater or purer men ever lived in this or any other country, and but few better lawyers. No kinder or more generous heart ever beat in human breast. One thing I do know: Abraham Lincoln approved this sentence. He never changed that order. If Abraham Lincoln had repented he would have said so publicly. He had manhood and moral courage sufficient to do it, I only say I do not credit the statement.

Further, I say, that the accusation against General Pope or General McDowell in reference to pressing the prosecution against Porter before the court-martial is equally untrue. The letters written to General Burn- sides, sent by him to General Halleck, and laid before the President, produced conviction on their minds that Porter disobeyed the orders intentionally because he did not intend that Pope should win the battle, and that was the reason why he was tried, and by proper testimony he was condemned. It was because the evidence sustained that fact before nine high officers, as competent and as honorable as any who have graced any position.

Ah, sir, prejudice produced this conviction, it is said! What kind of prejudice? Here is the evidence, here is the long story which has been told by Confederates and by Union men. The same story is told and repeated o'er and o'er again, that he failed to do his duty; and yet this country is asked to clothe him with honors by saying he was improperly convicted, to restore him to the army, and pay him a large amount of money for loss of time.

On the 1st day of September, 1862, after Fitz-John Porter had performed as he did on the 28th and 29th of August, General McClellan wrote Porter a letter. McClellan is a gentleman against whom I have naught to say, but he is the officer to whom Porter kept speaking all the time in his dispatches to General Burnside, saying: "My star is up, and I hope Mc's is too." "Mc" was ever foremost in his mind, and "Mc" writes him a note on the 1st of September, three days after the battle.

General McClellan, the shining star in the eye of Porter all the time, whom he almost worshipped, had become so suspicious of Porter's conduct and so well satisfied of his bad faith toward General Pope, that on the 1st day of September he says: "Be faithful for my sake and for the country's sake; be honest; support Pope." Why did General McClellan tell Porter to support Pope if he thought he had supported him? Why did he say: "I am in charge of the defenses of Washington and will make your retreat safe if you have to retreat?" To give Porter encouragement, to keep him from running away before the time. It may have been from that and to keep his mind off Alexandria, for it seemed to be running in that direction all the time, to let him know they were fixing a place for him in Washington City if he had to come back.

Mr. President, it will not do for Senators to stand up before this country and justify the conduct of Porter. There is no justification for it; and, more than that, I say to my friends on the other side of the Chamber, who fought us like men and stood by the cause they espoused, that for them to restore to our army officers whom we punished for treachery during the war, is a piece of bad faith; it is an appeal which ought not to be made; it is a position in which they ought not to be placed. I should dislike very much to have my friends undertake to place me in a position of this kind toward them, in reference to the manner in

which they dealt with their army or their disobedient officers if the case were reversed.

Sir, I say it not out of any criticism; I say it not out of any feeling, not out of any desire to call up the past—but I say that you of Confederate fame are the last men who ought to restore to the army those who were expelled from it, against the will of those who opposed you. If we desire to restore them let us ask it to be done and request you to help us; but, as I said, it does not come with good grace from you because a majority, forsooth, is on that side of the Chamber to-day, to commence putting back in the army the men whom the loyal people of this country dismissed from the army on account of misbehavior. When I say misbehavior I mean misconduct during the war. After that period, of course, it is a matter we all have the right to look at in the same way. I say this not by way of censure, but simply to call to the mind of my friends that it is not in very good taste on the part of those who engaged on neither side in the army to ask those who did, to do that turning of the dirt for them that they were not able to do themselves.

Mr. President, since armies were known, and since battles were fought, there have been failures on the march, in the line, and in terrible conflict. I state it now as a rule that the man in command of troops, whether a small command or a large one, who will sit down under the very muzzles almost of the guns of the enemy while his brother officers and soldiers are struggling in the heat of conflict with an enemy, and fail to succor them, is unworthy the name of soldier. 'Talk to me about orders! Why, sir, I would not wait for orders. What man would want orders if he were sitting with ten thousand men under the very sound of the guns of the enemy and, seeing his comrades worsted, yet refuse to go in and fight? Who would say, "I have received no orders?" Half of the battles that were fought during the

late war and other wars, were fought without express orders to subordinates.

Why do I say this? Because the battles were sudden, and the enemy struck suddenly. In one of the greatest battles in which I was ever engaged there were no orders on the battle-field that day, except as orders passed from one to the other in reference to movements, and not a solitary general order was issued at the hotly contested battle of Atlanta. Why? Because every officer who commanded a division that was in line of battle, wherever he saw he could fight, did go in and fight, and by night every commander was in the fight without being ordered except by sending to him to say "Put your men in here, or if you find a place to go in, do it." Why, sir, it is a thing impossible to do, except as you can see the movement of troops, and the commanding general will only give general orders to his officers and let them exercise their judgment when they get into a fight. They must exercise their judgment; they are compelled to do it. The general commanding cannot see the whole line; he cannot understand the whole movement. Judgment must be exercised. Hence I say the officer who wants orders for every movement he makes in battle, when he sees that he can assist or aid his comrades, is not a good general, is not a good soldier, and ought not to be in command of troops. Yet it is insisted Porter was a good general. I do not dispute that he was a brave man; I have not disputed it; but I only say that he failed at that time. If he be a brave man, if he be a good soldier, so much the worse for him then, so much the more strongly does he prove that he did not intend to fight for General Pope; that he did not intend to obey him. If he were a good soldier and a truly brave man, so much the worse for him in this case.

We have some notable cases in history, and my smiling friend yonder [Mr. Eaton], being a good historian, will well remember them. I

do not single him out for any reason except that I see he is always in a good humor. We remember well the history of the battle of Waterloo. Grouchy failed Napoleon Bonaparte. Napoleon lost that battle, and with the loss of that battle, his empire. Porter failed Pope, and with that failure Pope lost the battle of Groveton. The loss of that battle and the loss of the next day postponed the success of the Union cause much longer than it would have been, and brought untold suffering and loss of life upon the country.

Now, sir, for myself alone I speak. In conclusion I wish to enter my protest against this bill. I desire to say before I conclude, that I am deeply grateful to the Senate for its kindness in giving me audience for four days, not because of what I have said, but because of the interest that is manifested in having this case fairly understood. I shall ever remember it with gratitude to my brother Senators, who have not paid me an empty compliment, but have given me their ear and their attention. My only excuse is, as I have said, these immense volumes in which every word has to be read, examined, and the evidence culled bearing upon the case.

Then, sir, in conclusion I say as an American citizen, as a Senator of the United States, I do most sincerely and earnestly protest against the passage of this proposed bill.

By every remembrance of gratitude and loyalty to those whose faithful devotion preserved their country, I must protest against this stupendous reward to him who, the judgment of the court say, faltered in duty and failed in honor in the hour of peril and climax of battle.

I protest because the precedent sought to be established would prove a source of unknown evils in the future. It would stand hereafter as an incentive to military disobedience in the crisis of arms, and as an assurance of forgiveness and emolument for the most dangerous crime a soldier can commit.

I protest because every sentence heretofore executed upon subordinates in the service for minor offenses would stand as the record of a cruel tyranny if this supreme crime is to be condoned and obliterated and its perpetrator restored to rank and rewarded with pay.

I protest because the spirit of patriotism, upon which alone we must rely in the Nation's need, hereafter will be shamed and subdued by inflicting this brand of condemnation upon those patriotic men who began and conducted the original proceedings, and sanctioned the original sentence, as well as upon others equally patriotic, who affirmed the sentence and refused to annul its just decree.

I protest because the money appropriated by this act will be money drawn from the Treasury in furtherance of an unauthorized purpose, and in defiance of the rules of law.

I protest because the bill is loaded with ling innovations. It overrides statutes, and the exercise of unconstitutional power. Itverts the order of military promotion, postpones the worthy to advance the unworthy. Its tendency is to applaud insubordination. Its effect will be to encourage dereliction of duty. The soldier and the civilian will alike feel the baneful influence; for such an error, if permitted to creep into our system of laws, never be eradicated. Upon every motive for the public good, without one impulse perverted to myself against the subject of the bill, every proper remembrance of the past tempered by every proper conciliation in the present, looking sternly at the inevitable consequences in the future, I protest against this enactment as a duty I owe to the country, which I cannot and would not avoid.







JAMES B. WEAVER.

## JAMES B. WEAVER.

JAMES B. WEAVER, of Iowa, is a native of Ohio, and was born at Dayton, June 12, 1833, and is in his fiftieth year. He received a good common education, and entered the office of Hon. S. G. McAckram, of Bloomington, as a law student. He pursued his studies from 1853 to 1856, when he graduated from the Cincinnati Law School, in April of the latter year. He entered on the practice of his profession. In 1861 he responded to his country's call for help, enlisting as a private in the Second Iowa Infantry. He was chosen first lieutenant of his company, and on October 3, 1862, he was promoted to the post of major. The colonel of the regiment having been killed in the battle of Corinth, Major Weaver was commissioned, on the 12th of October, 1862, to succeed him as colonel.

He continued to render faithful services in the field, and was breveted brigadier-general of volunteers, for gallantry in the face of the enemy, his commission dating from the 13th of March, 1863.

After the war he returned to

Bloomfield, and resumed the practice of law, and soon became quite prominent in the politics of his district. In 1866 he was elected District Attorney for the Second Judicial District of Iowa. The following year he was appointed United States Assessor of Internal Revenue for the First District of Iowa, and held the office until it was abolished, six years later. In 1875 Mr. Weaver came near being the nominee of the Republican party for governor; but enthusiasm for Iowa's old War Governor, S. J. Kirkwood, carried the convention against Weaver, and landed Kirkwood in the gubernatorial chair for a third term, from which he stepped into a seat in the United States Senate, and thence into the Cabinet of President Garfield. Two years later Mr. Weaver was elected to Congress as a member of the National Greenback party, and served one term. In 1880 he was the Greenback candidate for President. During the campaign he made a thorough canvass of several of the States, north and south, but failed to carry a single electoral vote. In 1882 Mr. Weaver entered upon editorial life,

as one of the editors and proprietors of the "Iowa Tribune," a Greenback paper published in Des Moines. At the Iowa State Greenback Convention, held at

Des Moines, July 11, 1883, Mr. Weaver was nominated for the governorship, but failed of election, being defeated at the polls in October.



### THE PEOPLE vs. PRIVILEGED CLASSES.

*Mr. Weaver's Speech, delivered in the House of Representatives, May 10, 1880.*

MR. SPEAKER: The system of funding the public debt, now the ruling policy of this government, affords the most startling evidence of the domination of the privileged classes, and marks our total and melancholy departure from the teachings of the founders of our Republic. It is not a plant of American growth, but is borrowed from the effete aristocracies and monarchies of the Old World. This system has been engrafted upon our simple republican policy by men who are hostile to democratic institutions, and who believe in an aristocracy of wealth, whose privileges and exceptions guarantee to the few the greatest possible accumulation of property, and the widest control of public affairs. Their object is apparent and undisguised.

No reasonable man can for a moment believe that a financial system that administers to the exactions and wants of the classes who direct public affairs in an aristocracy or a monarchy, is suited to the life and wants incident to genuine republican simplicity. The bare existence of the bonded debt, now almost twenty years since much of it was created, is, within itself, either the badge of a government too weak to maintain its revenue laws and collect its taxes from the rich and powerful, or of the existence within that government of an all-powerful class, whose members are determined, through vicious legislation, to shirk their fair share of public

burdens at any and all hazard to civil liberty. This type of man is the same the world over, whether you find him in England, France, Germany, Italy, America, or elsewhere. He is an aristocrat, hostile to free institutions a free ballot, fair play, and equal rights before the law. Let the advocates of the funding bill, now pending before this House, stand with uncovered heads and listen while a few of the great founders of our Republic shall repeat for our admonition and instruction their prophetic warnings against this pernicious system.

Just prior to the war of 1812 our debt amounted to about \$57,000,000. It was increased by that war to \$127,000,000. This so alarmed Mr. Jefferson that he addressed a letter to the chairman of the Ways and Means Committee of this House, urging in the most forcible manner the duty of the complete payment of the debt within the life-time of that generation. Let us quote his exact language:

It is a wise rule and should be fundamental in a government disposed to cherish its credit, but at the same time to restrain the use of it within the limits of its facilities, "never to borrow a dollar without laying a tax at the same instant for paying the interest annually, and the principal within a given term; and to consider that tax as pledged to the creditors on the public faith." On such a pledge as this, sacredly observed, a government may always command, on a reasonable interest, all the lendable money of her citizens, while the necessity of equivalent tax is a salutary warning to them and their constituents against oppression, bankruptcy, and its inevitable consequences, revolution. But the term of



must be moderate, and at any rate within the their rightful powers. But what limits, it will does this prescribe to their powers? What is them from creating a perpetual debt? The ture, I answer. The earth belongs to the liv- the dead. The will and the power of man ex- is life, by nature's law.

ass of men who stand behind this fund- em are as merciless as the grave, and eardless of the rights and interests of o pay the taxes, and bear the burdens y. They have in all countries and at exhibited the same heartless character- n 1816 England was in a most deplora- cial crisis. It grew out of the attempt of e-gamblers and security-holders to con- legal-tender paper money, that had er safely through the Napoleonic wars, ch had been used as a substitute for o a currency representing coin. This ily be done by contraction of the vol- When that was accomplished, England's us prosperity at once vanished like a and yet the cormorants were not satis- o absolutely impoverish the people, and r them unable to ever pay their enor- bt, the managers of the English fund- em in 1816 procured the demonetiza- ilver and the limitation of its coinage. pendous crime was repeated in 1873 on inent, in this capital, and for the same

public debt is about \$2,000,000,000. England is almost double that amount. d be remembered, however, that hers accumulating for about two centuries, rs is scarcely twenty years old. Eng- bt began in war; so did ours. In its sweep and history the debt of England ily grown by every extraordinary con- incident to national life. Ours is des- run a like career, unless there is virtue left within the hearts of our people to that it shall be extinguished at the ear- sible day consistent with public honor. gislation looking to the perpetuation of

our national debt, and of the national banking system which feeds and fattens upon it, should be universally discouraged and denounced as a crime against the people, and all laws looking to their existence should be immediately re- pealed.

The bill under consideration reported from the Committee on Ways and Means by the distinguished gentleman from New York [Mr. Fernando Wood] relates to about seven hun- dred and eighty millions of the public debt. This amount will become redeemable during this year and the next. To be more specific, \$700,000,000 of the following bonds are to be refunded should the present bill become the law:

Six percents redeemable December 30, 1880.....	\$18,400,000
Six percents redeemable June 30, 1881.....	254,000,000
Six percents redeemable July 1, 1881.....	823,000
Five percents redeemable May 1, 1881.....	508,440,000

Such has been the management of our finan- ces, that it is conceded we cannot pay at the date these bonds become redeemable. The pre- text upon which they were issued was, that the government was not then able to pay, but would certainly be at the expiration of the time for which they were then to be issued. The expectation that we would ever be able to pay all these bonds at once was never for a moment entertained by the managers of this funding scheme, and if the people ever entertained such an idea they have been signally disappointed.

The national party is opposed to funding this debt. We say that it is our great duty to de- mand that it shall be paid. How can it be done, and when? We answer:

First. By applying the surplus revenue to its extinguishment, which now amounts to over \$50,000,000 per annum after defraying all ex- penses of the government.

Second. By paying out the silver now in the Treasury, amounting to \$70,000,000. Twenty- three million dollars of this consists of subsidi- ary coin 7 per cent. light, which would have to be coined over into standard dollars.

Third. By operating our mints to their full capacity in the coinage of standard silver dollars.

Fourth. By levying a judicious income tax upon the wealthy, who now bear none of the burdens of taxation.

Fifth. By substituting legal-tender greenbacks for national bank notes and canceling the bonds now held by the Treasury to secure their circulation.

There is no lack of ability to pay. The trouble is that the bond interest has control of government, and are determined their investment shall not be disturbed. The great question with them is how to prevent payment.

But, Mr. Speaker, for what were those bonds issued? The first item of \$18,400,000 was issued under the act of February, 1861, for the purpose of taking up Treasury notes then in circulation as money; the result of a little funding scheme, of course. The \$823,000 item was issued under the act of March 2, 1861, to defray the expenses of an Indian war in Oregon. The \$254,000,000 consist of war bonds issued under acts of July 17 and August 5, 1861, and March 3, 1863. The large item of \$508,000,000 was issued under the acts of July 14, 1870, January 20, 1871, and January 14, 1875, known as the resumption act. Let us look carefully into the sum last named and see where it came from. Seventeen million dollars of it are bonds issued under the resumption law to buy the silver bullion that was manufactured into subsidiary coin. This coin was issued in redemption of our much loved and convenient fractional currency, which was thus converted into interest-bearing debt. Five hundred thousand dollars of this sum consist of bonds issued to James B. Eads in payment of his Mississippi jetty contract, thus forcing our industries to pay an annual interest upon the very water that flows through the mouth of the Mississippi River, and upon every vessel and cargo that enters the mouth of that stream from, or that passes out of it to the Gulf of Mexico.

The remainder of this large item, about \$490,000,000, was issued under the funding act of 1870, in exchange for five-twenty bonds issued under the law of 1861. Let us look into this closely. The five-twenty bonds taken up when the present bonds were issued became redeemable in 1867, at the option of the government, but were not due until 1882. They drew 6 per cent. coin interest, but the principal was payable in currency. The present bonds were made irredeemable until 1881, (ten years,) and were made expressly payable in coin. Thus, under the pretext of saving 1 per cent. interest, the right of the people to gradually call in these bonds and pay them in currency was wickedly stricken down. Let us get under this flimsy mask and expose the villainy and hypocrisy of this funding scheme. The five-twenties could have been paid in installments during the whole of the last thirteen years, and our surplus revenues during the time were ample to have met every dollar of these obligations. They were funded into the present bonds, and all made redeemable May 1, 1881. The framers of that law understood perfectly that we could not provide for the redemption of these bonds on the 1st of May, 1881, unless we resorted to hoarding, and that could not be thought of at all. Thus we are furnished again, as was the intention, with another pretext for refunding the present bonds.

They tell us we are unable to pay and hence must fund. They ask by this bill that the people shall for the second time surrender their right to pay any part of these bonds for twenty years, and then, as now, they are all again to become redeemable at once. In this very feature lurks the deadly gangrene of the system. It is the gilded vice of the measure which will lure to destruction. Who can foresee the vicissitudes likely to befall this nation within the next twenty or forty years? "Who can look into the seeds of time and say which grain will grow and which will not?" All history teach-

that it is hard enough to meet the current expenses incident to the surge and flow of national life for a period of forty, or even twenty years. Under such management this debt will inevitably, like its English prototype, continue to grow, and, like a cancer, draw the best blood of the life which sustains it.

The gentleman from Minnesota [Mr. Durnell] says no one wishes to adopt the English system of finance here. I beg the gentleman's pardon. What is the British system? The whole of it is bound up in that one sentence, "Fund the public debt." Why, the charter of the Bank of England was granted in consideration of £1,200,000 sterling loaned to the government for twelve months by certain individuals, near two centuries ago, and yet that £1,200,000 sterling, although due within twelve months, remains unpaid to this very hour. They, too, said they were not in favor of perpetuating the public debt. It was a bond due in twelve months, a short loan, but it has never been paid, and the immunities and privileges of the Bank of England are in return for the favors granted by the bondholding portion of that monarchy to the government itself. So of our national banking system.

On the 9th day of June, 1877, Mr. Sherman sold for resumption purposes \$75,496,550 of 4 per cent. bonds at par. April 11, 1878, ten months later, he sold \$50,000,000 of four-and-a-half per cents. Why did he do this? The four percents were at that very time above par in the market. This charge was distinctly made by the chairman of the Ways and Means Committee on the floor of the House, and no one has entered a denial. He further charges that they were sold to the syndicate for two per cent. less than they were then worth in the market, and refers to his authority; and still the friends of the Secretary utter not one word in reply.

Between 1864 and 1867 two hundred and thirty-four millions of five-twenty bonds were

issued without authority of law. They were issued in exchange for seven-thirty Treasury notes then in circulation as money. There was not a syllable of law in existence to authorize the funding of these seven-thirty bonds into five-twenties. To prove this I submit the following from a speech of Secretary Sherman, to be found on page 247 of his published speeches:

In the fall of 1864 a security of new character was issued that I think was not authorized by law. I refer to the seven-thirty bonds which were issued running three years, with the right on the part of the holder at the end of the three years to convert them into five-twenty bonds payable principal and interest in gold. At the time I thought, and still think, that by a fair construction of the law as it then stood, there was no power in the Secretary of the Treasury to give the holders of these seven-thirty bonds the right to fund them into five-twenty bonds. The amount of notes thus issued in the fall of 1864 was \$234,000,000.

The managers of this scheme have bent their whole energy to increase our coin bonds, which are intended as the basis of a permanent national banking system. The means made use of have been at once cunning, cruel and diabolic.

How can we provide for the payment of these bonds at the end of the next twenty years unless we hoard? Every friend of this bill knows that it is impossible. The distinguished chairman of the committee [Mr. Fernando Wood] knows that it is utterly out of the question. The bald design is to prevent payment and to render it impossible. Will the people be longer caught by this kind of chaff or tamely submit to such wholesale swindling? We have paid on this \$490,000,000 item, since the present bonds were issued, simple interest, about \$245,000,000. We paid on the five-twenties, for which these bonds were exchanged, \$235,000,000—a grand total of \$480,000,000 of simple interest on this single item. If the bonds are refunded for twenty years, as provided for by this bill, you must add \$343,000,000 more to the interest charge, swelling the grand total to \$823,000,000 without liquidating one dollar of the principal. And if they run for forty years, as the bill provides they may, the

interest all told on the \$490,000,000 reaches without compounding, the enormous sum of \$1,166,000,000, exclusive of the expense incurred in placing the five-twenties, the present bonds, and those contemplated by this bill upon the market. How startling these facts to every lover of justice.

And, Mr. Speaker, when we further consider that these appalling and most truthful statements relate to but one-fourth of our public debt, that this dreadful blight and mildew upon the industries of this country must be multiplied fourfold; and when we add to this picture the further fact that during the long life of this debt, as fixed by this funding bill, these bonds are to be exempt from every species of taxation; are to shirk every burden of State, and be sheltered from every calamity incident to the investments of human toil, the revelation is almost enough to destroy hope and courage in the breasts of the poor, and to freeze over the currents of industrial ambition.

This item of \$490,000,000 of bonds and all others issued under the funding act of 1870 were issued for the avowed purpose of defeating the will of the people and to prevent the tax-payers of the country from paying the bonds according to contract.

This is a serious charge to make, but I propose to prove it. I read from a report made by John Sherman, chairman of the Finance Committee of the Senate, December 17, 1867. The language quoted will be found on page 146 of a volume entitled "Speeches and Reports on Finance and Taxation, by John Sherman." After discussing the question whether the five-twenties could be lawfully paid in currency, and after demonstrating conclusively that they could be so paid, Mr. Sherman uses the following language in his report:

It has been proposed that Congress, by joint resolution, declare that the 5-20 bonds are redeemable only in gold. This, instead of settling the question, will only create divisions and parties, and the resolution when passed will be subject to agitation and repeal. This considera-

tion induces your committee, without deciding the question, to propose the substitution of new bonds, clear and explicit in their terms, for the old bonds, as they become redeemable.

This was the origin of the funding scheme of 1870. What a picture have we here on the canvass of our history—an open avowal in the Congress of the Republic that the people's will must be circumvented and that they must not be allowed to pass laws or organize parties for relief. Thus you see the five-twenties were funded into the present bonds for the express purpose of defeating the will of the people and to place it beyond their power to remedy the evil. It would be very wrong for a free people to resist their oppressors; it would be very wrong to create new parties to resist the enslavement of the people by fastening upon them a perpetual debt. Their right to control their own affairs must be prevented by law. These men foresaw that their purpose would not meet with popular favor and coolly planned and legislated to defeat the popular will. The pretext with which they went before the country was the reduction of the interest 1 per cent. But the new exactions made by the funding act were a thousand-fold more onerous than the additional 1 per cent. Why, Holland loaned us during the revolutionary war \$2,000,000 at 4 per cent. before we had a government. France loaned us six millions at 5 per cent., and took all the risk growing out of our precarious struggle for independence, finally made two millions of that a gratuity, and when the war was over forgave us all the interest that had accrued between the date of the loan and the treaty of peace.

What a contrast! A foreign people separated from us by three thousand miles of ocean, with no interest in our struggle save the love of human freedom, and yet during our late struggle we paid to the speculators in our own country 7 3-10 per cent. and 6 per cent. upon nearly the entire amount necessary to defray the expenses of the war; and if we consider what

the purchasers really paid for our securities, we paid them 12 and 15 per cent. on every dollar they loaned us. At every step in the struggle we had to fight the legions of Wall street and their co-conspirators. The character of Thanardier, so graphically depicted by Victor Hugo, is saintly compared with the diabolic efforts of these men for pillage. Thanardier followed after the army and picked the pockets of the dead and dying; but these men coolly said to those who were supporting the flag and carrying it to the front, "You shall not have the means necessary to feed, clothe, and pay your army, unless you agree in advance to let us plunder the wounded nation to our hearts' content." Is this picture too strongly drawn? Let Secretary Fessenden, of Maine, who grappled with these conspirators, testify concerning this matter. I especially commend the following extract from the finance report for 1864-'65 to the consideration of the gentleman from Maine, [Mr. Frye,] who claimed in his speech that the depreciation of our currency during the war was due to an overissue and lack of confidence:

The experience of the few past months cannot have failed to convince the most careless observer that, whatever may be the effect of a redundant circulation upon the price of coin, other causes have exercised a greater and more deleterious influence. In the course of a few days the price of this article rose from \$1.50 to \$2.85 in paper for \$1 in specie, and subsequently fell in as short a period to \$1.87, and then again rose as rapidly to \$2.50; and all without any assignable cause, traceable to an increase or decrease in the circulation of paper money, or an expansion or contraction of credit, or other similar influence on the market, tending to occasion a fluctuation so violent. It is quite apparent that the solution of the problem may be found in the unpatriotic and criminal efforts of speculators, and probably of secret enemies, to raise the price of coin, regardless of the injury upon the country, or desiring to inflict it. All such attempts should be indignantly frowned upon by a patriotic community, and the efforts of all good citizens invoked to counteract such nefarious schemes. A law providing for the exemplary punishment of combinations for such a purpose might tend to vindicate, if it could not fully protect, the public rights in this regard.

Thaddeus Stevens said of the legal-tender bill after the Senate had placed its pernicious amendments upon it:

It now creates money, and by its very terms declares it a depreciated currency—one for banks and brokers, and another for the people. \* \* \* A wail came up from the caverns of the bullion brokers, and from the saloons of the associated banks. \* \* \* They fell upon the bill in hot haste, and so disfigured and deformed it that its very father would not know it.—*Congressional Globe*, part 1, 1861-'62, page 900.

The gentleman from Maine [Mr. Frye] says he does not differ much from Mr. Wood, who has charge of this bill. He complains that the latter occasionally placed poison in his speech. Of course the distinguished leader of the bond and bank wing of the Democracy in the House and the distinguished Republican from Maine [Mr. Frye] would not seriously differ upon this question of funding. Why should they? They differ only as to who shall be in power and carry out the schemes in which both are engaged, and which they both approve. It is simply a contest between dynasties; it is the war of the red and the white roses over again. Richard, too, killed his brother Clarence, not because Clarence, should he become king, would oppress the people, but because he wished to ascend the throne himself. Macbeth killed Duncan and Banquo, not because he wished to save Scotland from a king, but because he wanted himself to reign over Scotland in Duncan's stead. This bill, says the gentleman from Maine, should pass, because it will furnish a "safe investment for idle capital." What business has Congress to be creating safe investments for idle capital? Idle capital should go to work and perform its legitimate functions in the every-day transactions of human life. Money, like men, should be kept at work; and when it will not work, like human idlers it should bear its own burdens, and not be allowed to absorb the profits of the thrifty and the industrious. But instead of bending our energies to furnish profitable employment to industry, the whole power of the government is invoked to foster, at the expense of everybody else, the non-producers of wealth.

Take, for example, the national banking sys-

tem. The money owners loan their cash to the government at a high rate of interest, get their investment exempted from taxation, and then the government, in the abundance of its generosity, returns to them, in national bank bills, ninety per cent. of the face of their bonds—and this free of charge, save and except one per cent. to cover the cost of printing. This is nothing more or less than a princely gift. These bank notes go into the channels of trade as money. It is beyond refutation a mere gift to wealthy corporations. You can make nothing else of it. Mr. Speaker, if these bonds are made irredeemable for twenty years, it is the end to all hope of ever paying them. For, in the long sweep of history and the general expanse of national life, these debts, when once funded into irredeemable bonds, must inevitably increase. This is the history of every nation that has adopted the funding system. It is so in Great Britain, France, Germany, Italy, and Austria; and the operation of the system is nowhere so dangerous as in a Republic. The usurers of the world understand what they are about. They hold out to the people the hope on the one hand of finally relieving themselves from the burden, while on the other the enormous interest charge and the ever-recurring contingencies of human affairs take from them all possibility of relief. The gentleman [Mr. Frye] says the debt has steadily decreased since 1866. I grant you that the public debt as a whole has been reduced. With an enormous revenue daily emptied into the Treasury, how could it be otherwise. But how about that portion of the debt payable in coin? That has been more than doubled since the close of the war in 1865. And I assert here, without fear of successful contradiction, that it takes more bushels of wheat, more bushels of corn, more bushels of potatoes, more tons of hay, more horses, more cattle, more hogs, more bales of cotton, more pounds of tobacco, to pay the interest upon the public debt to-day, notwith-

standing your boasted reduction, than it did at the close of the war, when the interest exceeded \$150,000,000. It is beyond the power of any one to successfully deny this.

The gentleman [Mr. Frye] speaks in glowing terms of the great prosperity which he says came upon the country through resumption. I utterly deny that any prosperity has come to us in consequence of resumption. Forced resumption and the contraction which preceded it brought calamity and only calamity upon the Nation. It hurled us headlong from an era of universal prosperity into the vale of suffering, bankruptcy, and destitution.

The silver commission, composed equally of Democrats and Republicans, and presided over by a distinguished Republican Senator, Mr. Jones, of Nevada, says concerning the effects of this contraction, on page 59 of their report;

If all the debts in this country had been doubled by an act of legislation it would have been a far less calamity to the debtor and to the country than the increase in their real burden already caused by a contraction in the volume of money.

\* \* \* \* \*

And infinitely more disastrous in every sense than an unjust increase in the burden of debt is the universal stagnation of industry and commerce resulting from the same cause.

On page 121 of the same report, they say:

The true and only cause of the stagnation in industry and commerce now everywhere felt, is the fact everywhere existing of falling prices caused by a shrinkage in the volume of money.

Secretary Sherman in the Senate on the 27th of January, 1869, predicted this very result in the following language:

It is not possible to take this voyage without the sorest distress to every person except a capitalist out of debt, or a salaried officer, or an annuitant; it is a period of loss, danger, lassitude of trade, fall of wages, suspension of enterprise, bankruptcy, and disaster.

Our own good crops, coupled with the famine in Ireland and the short crops throughout Europe, gave us our little flush of prosperity. Gentlemen who make the argument that we owe our partial recovery to resumption, do not believe it themselves. The gentleman from Maine says himself that he looks forward to a reverse; that the balance of trade is rapidly

turning against us, and predicts that we cannot long continue to reduce the debt with the surplus revenues. Mr. Speaker, resumption is maintained to-day by the willful violation of two plain statutes of the United States, and not because of any prosperity, real or imaginary. Let us prove this. Section 5 of the act of February 25, 1862, expressly requires that duties on imported goods shall be paid in coin. Mr. Sherman has abrogated that law by an edict of his own; has instructed Treasury officials to receive greenbacks for customs duties.

This, of course, takes away the demand for gold and prevents a run upon the resumption fund. The second law violated is the act of February 28, 1878, declaring the silver dollar of 412½ grains a full legal tender for all debts public and private. The passage of that act was followed, it will be remembered, by the passage of the Stanley Matthews resolutions, expressly declaring the bonded debt to be payable in these silver dollars. The bankers and bondholders declared that if they were forced to take silver for their principal and interest on their bonds they would at once demand, under the resumption law, gold for the eighty or ninety millions of greenbacks which they held in their vaults. To prevent this, Mr. Sherman at once entered into a combination with the New York clearing-house whereby silver was discriminated against as lawful money. The Secretary further declared over his own signature, in a letter which I have here, dated January 8, 1879, and addressed to Thomas M. Nickol, secretary of the so-called honest money league of Chicago:

I have a clear conviction that the forced payment of the silver dollar to the public creditors would tend to depreciate it and cause it at once to be sold in the market at less than par.

While it is the duty of the government to coin different kinds of money, a public policy dictates that it should be within the power of the citizen, at his option, to demand either form of lawful money.

Here you have a complete view of the great resumption team which, according to the gentleman from Maine, has pulled us out of the

Slough of Despond on to the upland of general prosperity.

On the one hand, the Secretary has done in violation of law just what the greenbackers claim should be done according to law; and on the other, cowed and humiliated by a threat from the syndicates and money kings, he has stricken down and crucified the wise and merciful law making the silver dollar of our fathers a full legal tender. Thus by a twofold crime is resumption kept upon its feet. The gentleman from Maine [Mr. Frye] says the greenback was issued by the Republican party to save the Nation's life, and would not have been issued for any other purpose. Yes, and the history of that transaction shows that the money-mongers consented then only upon condition that they might put the sting of death in the back of every bill that was issued.

He says the government solemnly promised that the total amount of these notes should never exceed \$400,000,000. They did this on the 3d day of June, 1864, and on the 30th day of the same month they passed the national bank act. Both bills were pending before the House at the same time and were but parts of one organized plan. The promise to never issue more than four hundred millions of legal-tenders was a part of the national bank scheme to give over into the hands of the corporations the sovereign authority to issue the money of the people and control its volume. Of course the pledge was solemn. These conspirators are always very solemn; any one of them would surpass a whole assembly of bishops for solemnity. Sir, that solemn promise was a part of the ruinous scheme whereby this Nation bartered away its sacred and sovereign duty to furnish the people with an adequate circulating medium. It passed over this sacred duty into the hands of usurers and bondholders in violation of the warnings of the fathers and in subversion of the principles of free government. Let it be understood that there are two rag-

babies in this country, the greenback dollar and the national bank bill. The one born of Columbia in lawful wedlock, the rightful heir to sovereign control in the commerce of this Nation. The other is an illegitimate, and this very bill makes provision to advance him ahead of the rightful heir. You intend to enthrone him as a prince, sustain him and his posterity in idleness, and exempt him by law from taxation and the anxieties of life.

Congress passed a solemn act on the 30th of May, 1878, to prevent the total destruction of the greenback under the resumption act. You had the lawful rag-baby condemned to death, and you were marching him under guard, with a black cap over his eyes, and his hands pinioned, to the execution block. You expected on the 1st of January, 1879, to shout and rejoice over his decapitation, but the greenback party spoiled your little game. They flew to the rescue, and by hue and cry compelled you to enact by law that the \$346,000,000 should be kept in circulation, and when received into the Treasury should be paid out again. But you have not abandoned your malice, nor abated your zeal for the destruction of the people's money.

The National Bankers' Association, at Saratoga, in August of last year, inaugurated steps looking to the destruction of every greenback in existence. Mr. Coe, in an elaborate speech delivered before that association, declared that the greenback must go. Comptroller Knox in violation of his official duty and at the bidding of the enemies of the greenback, declared at that meeting that they should no longer retain their legal-tender quality. Following this, the President, in utter defiance of public sentiment, recommended that the greenback should be taken out of circulation. And the Secretary of the Treasury, a prominent presidential candidate within the Republican party, recommends in his official report that Congress shall by law deprive the greenback of its legal-tender functions.

Mr. Bayard, who strangled the Warner silver bill in the Senate of the United States, and the leader in the Senate of the bond and bank wing of the Democratic party, has introduced a joint resolution for the purpose of taking away from the people the legal-tender greenback, and has supported it with all his ability, power, and influence. Mr. Lounsbery and Mr. Ballou have introduced similar bills into the House. Thus the whole power of the national bank party and the machinery of government are brought to bear for the destruction of the people's money. All the machinery of politics is to be harnessed and rendered subservient to this one end in the great struggle for political supremacy during the present year.

The millionaires of Boston, Philadelphia, New York, Chicago, have flooded Congress with petitions for the destruction of the greenbacks. One distinguished Senator presented a petition, bound in morocco like a fine family Bible, the words "honest money" in letters of gold across its back, signed by over fifteen hundred capitalists in New York, praying for the retirement of the greenbacks; signed by Governor Robinson and by ex-Secretary Bristow; signed by over two hundred names on Fifth Avenue, who own in the aggregate more than \$248,000,000, which pays not one cent of taxes, escapes all the burdens of the State. Now contrast this petition with another which I hold in my hand, tattered and soiled with the soot from the hand of the blacksmith, the sweat of the day-laborer, and the greasy hand of the mechanic. What does this petition ask for? It humbly prays this House to stand between the laborer and the grasping exactions of the money power, and prevent the destruction of the greenback which is at once their hope and their defense. The first petition comes into Congress with a flourish of trumpets, adorned with curiously wrought signatures and costly array, while the other bears the homely signature of the man of toil. The first petition represents those who live



the labor of others. The last represents  
 ss of our people who produce all the  
 of the country and bear all of its bur-  
 [ challenge this House to disregard the  
 of these humble people. Refuse their  
 if you dare! Thank God the ballot is  
 e, and by its instrumentality they will,  
 Hercules, hurl you from the power and  
 which you have abused and disgraced.  
 ht of petition, if the petitioners be rich  
 werful, is not abridged here in this  
 but if the prayer comes from the poor  
 lowly, it finds no response, except that  
 ion and contempt.

about "good faith," "solemn promises,"  
 nest money." Why, Mr. Speaker, this  
 deceives no one. It is an unmitigated  
 o thinly disguised as to be known and  
 all men. There is not a law nor a  
 in the universe which these men re-  
 In 1870 they "solemnly" passed an act  
 e bondholder must have either 25.8  
 of gold or 412½ grains of silver for his  
 It was a highwayman's law, but the  
 concluded to abide by it. Now, under  
 vocritical cry of "honest money," they  
 gold only, or a gold dollar's worth of  
 or every dollar marked down in their

This would amount to an additional  
 f from twelve to fifteen per cent. on the  
 ebt of the Nation. It is the proposition  
 of men who respect neither law, equity,  
 tract, and who mock at the struggles of  
 and laugh at their pleadings for mercy.  
 peaker, national banking and the fund-  
 tem are counterparts of each other.  
 ro must perish together, and perish

quickly. They are twin monsters, brought  
 hither to crush out liberty on this continent.  
 Aware of the danger, the people have organized  
 a party for self-defense. This party believes in  
 the power of the government to make all the  
 money necessary for the use of the people, and  
 in the right of the Nation to pay off its debt  
 whenever it has the money. No human power  
 can stop the progress of this new movement.  
 It is broad and national in its doctrines and  
 purpose. It eschews sectionalism, and demands  
 for the humblest individual in the land a free  
 ballot, fair play, and equal rights before the law.  
 The old factions will not allow us to succeed if,  
 by any means, fair or foul, they can defeat us.  
 In California they strike down free speech with  
 fine and imprisonment. In other sections they  
 confront us with slander and misrepresentation.  
 The bulldozers of one section join hands with  
 the money kings of the other to crush the peo-  
 ple's party, and to keep laboring men from  
 voting their untrammelled sentiments. But  
 "your covenant with death shall be disannulled,  
 and your agreement with hell shall not stand."  
 You have all the chains forged necessary to  
 rob industry of its reward. But you shall be  
 disappointed. You would like to see the sun  
 rise and set on a nation of slaves. But the peo-  
 ple perceive your purpose and are awake to the  
 danger.

May God in his infinite mercy help the tax-  
 payers of this country to look into this question,  
 and nerve them to rebuke their despoilers; may  
 He send upon our people that high type of  
 patriotism and courage that will crush all par-  
 ties, and men, and laws that stand for the  
 enslavement of the people!



## JOSEPH R. HAWLEY.

**I**T is an honor for a country to have her best men at the head of affairs, in executive chairs of State or Nation, and legislative halls. It is an earnest to the world that the cause of humanity and right shall be faithfully served; that justice shall prevail in high places, and that national honor shall be preserved as inviolable as that of the noblest private individual.

Connecticut has given to the national councils one of the best men the land has furnished, Joseph R. Hawley, of Hartford. He was born at Stewartsville, Richmond county, North Carolina, October 31, 1826; but with the family removed to Connecticut, in 1837. He had attended the district school while living in the district of Laurel Hill, N. C., and remembers the political excitement connected with the nullification troubles in that section.

In Hartford he attended the Grammar school for about two years, and was remarkable as a bright, intelligent, and studious pupil. In 1842 the family removed to New York, and settled at

Cazenovia, which continued to be the family home. Joseph attended the Oneida Conference Seminary about two years, and then entered Hamilton College, where he graduated in 1847. He made choice of law as a profession, and in 1849 went to Farmington, in Connecticut, and studied one year in the office of Mr. Hooker, with whom he formed a co-partnership, as soon as he was admitted to practice, the firm opening an office in Hartford, in 1850. Mr. Hawley entered the field of politics at once, and has been prominent in State and national politics, one or both, ever since. He did not unite with the political party that was able, at the time, to reward him with preferment and honor; but, guided by a sense of right and justice, he cast in his mite with the few who were laboring for human rights, and receiving, as their only reward, the contempt of the great majority of the people. But Mr. Hawley was not laboring for popularity. He was contented to do his duty, as he saw it, and leave the results to time. He was elected Chairman of the Free Soil State



JOSEPH R. HAWLEY.

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Committee, appointed by the first State Convention held after he began business. He furnished money for and contributed largely to the columns of the Free Soil paper published at Hartford, and in 1857, he left his law practice to become one of the proprietors and editors of the paper which was then the organ of the young Republican party. Ten years later the "Press" and "Courant" were merged into one paper, and Mr. Hawley has since continued as one of the editors.

In 1852 he was a delegate to the Free Soil Convention that met in Pittsburgh, and, in 1856, he attended the National Republican Convention in Philadelphia, and again, in 1860, he was a delegate to the Convention in Chicago that nominated Abraham Lincoln. He was present, also, at all the State Conventions held in Connecticut by the Free Soil and Republican parties, from 1850 to 1860, and took a prominent part in shaping their course, and determining their action, through the Committee on Resolutions, of which he was usually, if not always, a member.

On the breaking out of the war, Mr. Hawley did not have to consider the matter long, to decide as to his duty. That which he had been contending for ever since he entered the field of politics, was being submitted to the arbitrament of the sword. He was the first man in Connecticut to enlist for the war. The day following the call for seventy-five thousand men, Mr. Hawley, with others,

had enlisted a full company, of which he was at first elected a lieutenant, and, when the company went into camp on the 22d of April, he was its captain. He was with the brave men who met the enemy on the bloody field of Bull Run, and, for coolness and bravery; won high praise from his superior officers. On the 15th of August, 1861, he was appointed Colonel of the Seventh Regiment of Connecticut Volunteers, and, two days later, set out with his regiment for Washington. Soon after his arrival, his regiment was assigned to service with General Sherman in the expedition to South Carolina. Colonel Hawley, with his command, took part in many of the severe engagements along the eastern portion of the Confederacy, and always added to his already established reputation as a soldier and an officer.

In 1864 he received his commission as Brigadier-General, and, in September, 1865, he was made a Major-General by brevet. Among the most prominent of the battles in which he took part, besides Bull Run, the Siege of Pulaski, Oulstee, Wagner, and Sumter, the Siege of Petersburg, Deep Bottom, and Deep River may be particularly mentioned.

After the active campaigning of the war was over, General Hawley was assigned to duty as Chief of Staff to General A. H. Terry, and remained in the service until January 15, 1866, when he was mustered out; and, in three months after leaving military life, he was chosen

Governor of his State. He was a delegate to the National Republican Convention that met in Chicago, in 1868, and was chosen President of that assemblage. The same year he was a Presidential Elector in his State. In 1872 he was again a delegate to the National Convention of his party, and was Secretary of the Committee that drafted the party platform of that year. Four years later he was again a delegate, and was chairman of the Committee on Resolutions.

In 1872 Mr. Hawley was elected to fill a vacancy in the House of Representatives, caused by the death of Congressman J. S. Strong, and was re-elected to the succeeding Congress. He was defeated, as a candidate for re-election, by the Democratic candidate in 1874; but, in 1878, he was again taken up by the Republicans, and elected to the Forty-sixth Congress. In 1881 he took his

seat in the United States Senate, as the successor of William W. Eaton.

Besides his other valuable services, Mr. Hawley was President of the United States Centennial Commission, from the time it was organized, in 1873, to the final completion of its work. By his energy, perseverance, and executive ability, he aided largely in making that exhibition the wonderful success it was, in every department, and in every respect.

Mr. Hawley has impressed his own individuality upon the political thought of the country as much as any other man of his time.

As a platform orator he has no superior, and his services are sought in other States than his own. In 1883 he was called to take part in the campaign in Iowa, and rendered valuable services to the Republicans of that State.

## DEPUTY MARSHALS AT ELECTIONS.

*Mr. Hawley's Speech, delivered in the House of Representatives, June 11, 1880.*

MR. SPEAKER: I do not propose to enter at length upon a legal discussion of the pending bill, but rather to make some matter-of-fact observations on the general political situation. As for the bill itself, I feel under no obligation to give it deliberate consideration, for one reason, if for no other, that it is presented by men who have uniformly and vehemently denied, entirely denied, the right of the Federal government to regulate and to protect the elections of

Federal officers in the several States, men who have denied the rightfulness of the existing statutes to that end. And, therefore, I am not prepared to expect from them any amendment of the law. I know if they could do as they desire, they would utterly repeal it. I know they claim that the entire matter is completely within the discretion of State officials, and that men holding Federal commissions have no business near the ballot box, whether they be

marshals, deputy marshals, or military officers. Therefore, I am prepared, when they bring a bill here, to expect that it is intended to be in the nature of a mutilation, a hampering, a weakening of the existing statute. And such is this proposition.

I decline to enter upon any middle ground upon such a question. I am for the principle and the laws as they stand. I will not agree to give up a hair's breadth of allegiance to them or to divide the support of them with any man.

If I were asked to say that there shall be two men, one of each party, to receive votes, after the usual custom, I would agree to it. That is the habit everywhere. If it is demanded that there be two, or four, or six men, equally divided among all parties to count these votes, I agree to it. But when I am called upon to choose the arm, to choose the officer who shall execute the law, I want the man who has sworn to obey it, and who believes in it, and whose single duty and desire it is to execute it. There is no possibility dividing duty there. There are no two parties there. A man is either for the law or against it, and when I am asked as a matter of fairness to divide the enforcement of the law with a man who believes it to be unconstitutional and wicked. I am at liberty to say the motive is to nullify the law.

Am I to be called on to enforce a law against the mutilation or the fraudulent issue of national bank notes by dividing the enforcement of that law with a man who believes national bank notes are unconstitutional and wicked, and that there ought not to be any, and that he has a right to rebel against them, a man who, perhaps, has committed forgery himself, or been engaged in issuing unlawful or forged notes? Am I to be called in any matter, under any criminal or semi-criminal statute, to divide the support of it with a man who hates it and has determined to nullify it? That, I affirm, goes to the essence of this controversy.

We shall be told—we have been told already—that the suggestion upon which this is founded was made by an especially distinguished gentleman from Ohio. In the abounding good nature of that magnificent heart he suggested something one day upon which they have built this. They ran for it eagerly, hoping they might get us on some common ground, get something they might make us say was not objectionable, so that they might escape from the ground they had before taken.

The Democracy came into power in the legislative department of the government March 4, 1879, and signalized their entrance by asserting a revolutionary principle in legislation, declaring absolutely, unequivocally, and defiantly, that they had the right to put any kind of legislation whatever upon appropriation bills, and demand of the co-ordinate legislative branch of the government, and of the executive, concurrence in that legislation, under penalty of leaving the government without any moneys for its support. They began with that policy and still maintain it, I presume, for they have not confessedly abandoned it. It lies *perdu* now, and ready to be asserted again, for no man upon the Democratic side, to my recollection or so far as I have heard, has denied the rightfulness of that claim. I have not forgotten that assertion. I remember that doctrine, and so will the people. The Democracy virtually deny the right of the Federal government to use, if it should become necessary, force in executing the Federal laws. I say that is practically the effect of it. They will say there are exceptions. Of course there are exceptions where the State executive calls directly upon the Federal executive for force to maintain himself in the exercise of his executive authority. But, in general, I may say the Democratic party is opposed to the appearance of Federal power in the States to execute Federal laws or assert Federal authority, save upon request or assent of State authority. They have made it impossible to

call upon a squad of Federal troops to enforce the Federal laws unless they come as a part of the *posse comitatus*—not even then if they appear as soldiers. They deny and vote against the right of the Federal government to send Federal troops anywhere near the place of holding of an election. We understand the distinction. No man believes in the employment of Federal troops, in the ordinary sense, as a police force, to attend, armed and organized, to prevent breaches of the peace at the polls. But no man who believes this government to be a government in fact as well as in name, to be anything more than a mere rope of sand, can call in question the power of the government to enforce the execution of its laws with crushing military force, if it becomes necessary to resort to it. The actual use of force may not be needed once in a hundred years. The knowledge that it may be invoked is sufficient. But to proclaim in advance that force shall never be called to sustain the defeated civil authority is to invite the bad elements to defy all law. It is to announce in advance to all bad men that they may defy your government with impunity. Therefore I repeat what I have said, that when there is riotous determined resistance to the national law, there must be the right of appeal to the military power of the government, and there is no inch of ground and no second of time when this is not true.

The Democratic party, in the third place, have denied wholly, I may say, the right of the Federal government to make or alter the laws for the protection of the ballot-box, except when the States shall have failed to enact such laws.

Now, we argued a year ago that the power of the Federal government is paramount in that matter, and whether a State had made such laws or had not made such laws, the Federal government had unqualifiedly the right to step forward to alter old laws or to make new ones, and in the second instance to compel obedience to them. And I shall print with my remarks

on this subject the syllabus of the decision of the Supreme Court of the United States made in reference to the election laws, and covering identically the position taken by the Republicans a year ago, and it might be used as a syllabus for twenty careful arguments which were made here on the Republican side during the extra session.

In the fourth place the Democratic party has asserted vehemently, defiantly, and persistently, its purpose to repeal in general terms all of the "war legislation" (as it has been styled) upon the statute books. It has been found necessary to enact various and extensive statutes to carry into practical effect and to maintain the thirteenth, fourteenth, and fifteenth amendments to the constitution; and such statutes are the "war legislation" aimed at. Of course the great Democratic party yield unwilling assent to the practically irrepealable amendments themselves, but nevertheless it is the hope and purpose of many, as has been frankly asserted upon this floor, to wipe from the statute-books the legislation necessary to and authorized by those glorious amendments. That is logically their proper ground and it is their ground. If I viewed those amendments as they do I should insist upon leaving them as a dead-letter in the constitution, as I believed myself at one time in leaving as a dead-letter in the constitution what appeared to call upon me to hunt runaway slaves.

The Democracy are united only on these things. I have indicated substantially all the points upon which that party is united; it is hopelessly divided on the other live questions of the time; the tariff, for example. It is a protective party in Pennsylvania; it is a protective party in Kentucky when you touch hemp and tobacco; it is a protective party in Maryland and Virginia; it is a protective party largely in Ohio when you touch wool; it is a protective party in Louisiana when you touch sugar; and it will be a protective party in Georgia soon when you touch the tariff on cotton goods.



Some of my constituents wanted to reduce the duty upon jute butts, and I remember well that opposition was made in the West in the interest of hemp and flax. The gentleman from Kentucky [Mr. Carlisle] seeks to clear the skirts of that State from the charge of being for protection, but he has nothing to say for Ohio, and Pennsylvania, and Maryland, and Louisiana. But I have only to appeal to the record of votes incidentally touching the tariff this session.

As a party the Democracy has no policy on the subject. The gentleman from Kentucky could not say that the whole Democratic party at large occupies the ground he himself holds as a free-trader. He would not prophesy, he would not dare to prophesy, though a brave and honorable man, that their coming convention will take grounds in favor of free trade. It will be proven there that the Democracy is a divided party. I should be very happy, because I believe that party ought to be defeated, to find it taking ground in favor of free trade in general. That party has been for many years full of threats and promises, denouncing the existing tariff, and promising revenue reform upon the earliest opportunity. But it has been in control in this House for now six years nearly, and for nearly two years it has had control of both branches of the general legislature. And where is its tariff bill? What general measure has it offered? There was an attempt at a tariff bill in the last Congress, but in a short time its friends were invited to attend at its home, and it was carried to the grave before it was cold.

In this Congress they have made no attempt to revive the general issue. There have been some puny pickaxes working at the crevices and chips by means of distinct attacks upon the duties on salt, or wood-pulp, or paper, etc. But if our opponents have any broad policy on the subject which they dare to submit to the country, we should be only too glad to have it in the form of a bill, to be discussed next autumn.

They have come to us instead of that with a scheme for a tariff commission. Some like it; some do not. But what is the essence of the measure? It proposes to go outside of these ambitious men, of these legislators, who were apparently very ready to open the contest, and to pick up some nine specialists or experts, men not responsible for legislation, men who could not be called to account in the campaign next autumn, and require them to draft a bill and report, eighteen months hence, to the Republican Congress which will meet in December, 1881. That is the way in which the great national party full of high courage has met one of the great questions of the day.

It is hopelessly divided again upon the currency question. That party is full of opposition to the national bank system. Take its members individually and I do not know whether there are ten men on that side who will deny that they are opposed to the national bank system.

Well, gentlemen, a great campaign is coming on in which that question will be discussed. We shall be glad to have you tell the people what you think of it. Where is your bill? If you have prepared none, why not? You have a feeling, a wish, a dislike, if I may not say a hatred, of that system. Why have you not formulated that in a bill that we may lay it before the people and have a discussion, and so that you may say to the people frankly and fairly what kind of government you would give them for the next four years? It has been generally reported that gentlemen of the Democratic party are in favor of an indefinite continuance of paper money, legal-tender paper money, in time of profound peace and fifteen years after the war has closed.

In obedience to the ancient Democratic doctrine of Jackson and Benton, very much remains to be done in the financial field; very much remains to be done with our currency and with our national debt. But I defy the

most skillful political physiognomist to see any resemblance in the Democratic party of to-day to the party of Jackson and Benton on this subject.

The majority have denied to the Secretary of the Treasury an opportunity to refund some \$700,000,000 of the national bonds. There are some \$490,000,000 of 5 per cent. bonds, and \$230,000,000, more or less, of 6 per cent. bonds which he could refund in four percents at least.

Now, it is true they have brought in a bill which they will claim in the campaign they were willing to adopt, and they will say that that bill gave the Secretary of the Treasury a chance to refund that portion of the national debt. But the bill named a bond at  $3\frac{1}{2}$  per cent., and gave the Secretary of the Treasury no discretion whatever; he must refund by selling at par a  $3\frac{1}{2}$  per cent. bond, or not refund at all.

Now, I am inclined to charge that those who offered to press that bill did not intend to pass it; or, if they did, they did not expect that under it the Secretary of the Treasury would be able to refund the fives and sixes. However, it has had one considerable effect. It has, without doubt, tended to maintain at a very high rate the 4 per cent. bonds in the market of New York. It has done somebody good; to the brokers of Wall street, if to no others.

The great Secretary of the Treasury, who has done so much to establish specie payments and strengthen our credit throughout the world, is left without power to take advantage of the most favorable opportunity which has occurred in the financial market since the war, or will probably come again within ten years. The opportunity is passing. If the Secretary could receive power to-day he could use it, but the session is almost ended.

If the Democratic party has any foreign policy of any description, it has not manifested it, to my knowledge, in any bill before this House,

certainly in no bill which has been pressed into prominence.

For many years past the Democratic party has been in the habit of reproaching the Republicans for the depressed condition of American shipping. What have they done to remedy it? Can any one recall a bill, among the six thousand or more of this Congress, that proposes any remedy? There may be one in some committee-room, possibly one on the calendar. But nobody has said a word for it, nor, so far as I can remember, urged the consideration of any measure relating to that subject.

That depressed condition of American shipping resulted from obvious necessity, from a wonderfully exhausting war, from an expanded paper currency, from the inflated condition of prices in this country, which made it impossible for our capitalists and our seamen to engage profitably in that business in competition with the cheap capital and the cheap labor of other countries.

But there might be some partial remedies. Where are they? Have the Democrats offered any?

Gentlemen of the majority are quite willing, I know, upon river and harbor bills to waive that hostility to internal improvements which used to be a Democratic doctrine. Many of us remember reading in our youth or boyhood the appeals made by the grand Henry Clay in favor of internal improvements, and remember that the policy was in general denounced by the leading Democrats of that day.

The Democratic party has gotten well over its opposition to internal improvements. It is willing to take all that the Federal Government will give in that direction. At this session it runs the river and harbor bill up to nine millions or thereabout. I am willing to vote reasonable or liberal sums to such purposes where the water is over three or four inches deep, but I call attention to this matter for the purpose of showing that the Democratic party which

used to hold quite different doctrine is now indiscriminately and unreservedly in favor of "the old flag and an appropriation;" and the Republicans—to their credit be it said—have been the restraining influence in this House in regard to many extravagant expenditures.

In many things the Democratic party has lost all respect for State rights. It is ready to welcome any trespasser upon the doctrine if he only brings money enough in his hands to condone for a violation of the theory, whether the expenditure be in the way of extravagant plans for national quarantines, or for the improvement of the Mississippi River, or in any other of numerous directions. Members of that party have no dread of Federal money, but a very great dread of Federal justice in many things.

At the first session of this Congress they appeared here as a "solid South" with a northern attachment, filled with a marvelous joy over their renewed control of Congress, and a more marvelous audacity in their programme of reactionary legislation. The fall election intervened. Does any man recall, has any man read of, a more remarkable change in the temper and spirit of a party than that which occurred between last June and the beginning of this session? Then they were without fear, full of defiance and self-assertion. Now it is hard to say whether they are most in dread of James A. Garfield or the "whisper of Cipher Alley." They have not, to my knowledge, disavowed any doctrine asserted last year, but there has never been seen a party of unruly boys brought under such good discipline so speedily. There are men on the other side who have been full of red-hot speeches, but they have been sweet, calm, and mild as a summer evening. Their doctrines are still held but nobody has asserted them.

The result of Republican legislation in the years since the war has been to strike off in the aggregate \$1,000,000,000 of the public debt—not all bonded debt, but of floating and bonded

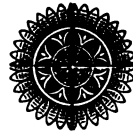
debt, \$1,000,000,000. It has reduced the annual burden of interest from nearly \$150,000,000 to something like \$90,000,000. Since our nominations at Chicago, American credit has reached the highest point it has ever known, 4 per cent. bonds standing between 9 and 10 per cent. above par.

Such facts are not without their significance. They show that the portion of the community devoted to cold business, caring nothing for sentiment when figures are in question, looking at political questions from the stand point of dollars and cents, know to whom the good credit of this country is due; and when the Republican party makes a good nomination and starts out bravely upon a campaign, the money market discounts the hopeful future and is willing to pay millions of dollars more for bonds in evidence of its faith in the policy of the Republicans and in its chances of future success.

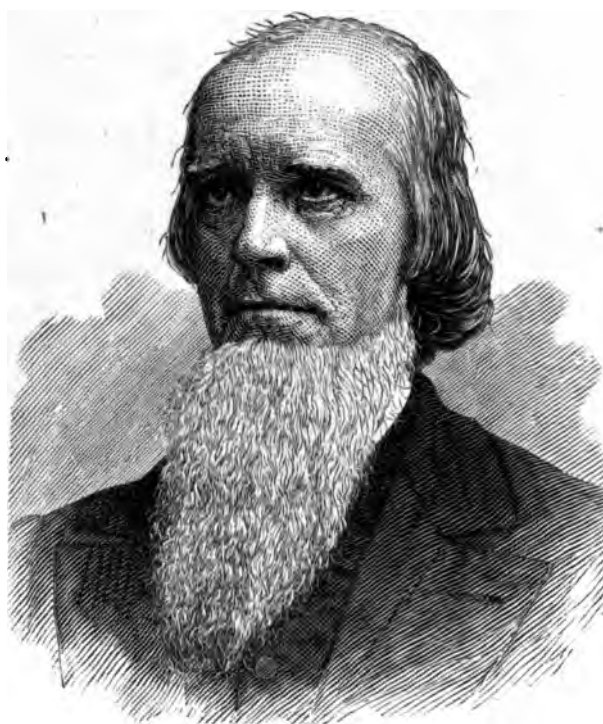
Now, upon this financial policy in general there are two courses and only two: One is forward in the direction of specie payment and a sound constitutional currency of the precious metals; the other is in the direction of the destruction of the national banks, the revival of the "wild-cat" State banks, and a general, indefinite, prolonged issue of legal-tender paper in time of peace. These are the two roads. In one of these the Republican party is well advanced; it is the road it has always pursued. The Democratic party has uniformly opposed every one of the successive and successful financial measures from 1861 down to the resumption of specie payment and since that time. It is obliged by the logic of history to continue to pursue that course. If it is not going to do so it has given us no good evidence to the contrary. It is more hopelessly divided as a party now than when it was a minority in this House. Compactly organized then, with the sole duty of opposition, it was united and vigorous. Now, with a temporary measure of success, and more of hope than it has entertained in twenty years,

it is timid and doubting. It has no policy as a whole upon any one of the great questions that agitate the public mind, with the sole exception of those questions inherited from war—the maintenance of the thirteenth, fourteenth, and fifteenth amendments—their enforcement in every particular, the protection of the people in the great right of suffrage, the protec-

tion of the equal rights and liberties of all men in every part of the Union so far as the Federal power can justly reach. Concerning all these things it indulges its inherited traditional prejudices, but upon the wide range of other great national tasks and problems it has shown itself practically without a creed or policy.







JOSEPH E. BROWN.

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## JOSEPH E. BROWN.

**T**HE southern portion of the Union has furnished few men who can be placed above Joseph E. Brown, of Atlanta, Georgia. He is a native of Pickens District, South Carolina, where he was born, April 15, 1821. He lived and worked on the farm with his father, until his nineteenth year, when, with his father's consent, he went to seek his fortune. Previous to this his father had removed to Georgia, and when the young man started for himself, his first step was to return to South Carolina and enter Calhoun Academy, where he remained for several years, diligently preparing for the duties of life. Having completed but a portion of the course of study, he went to Canton, Georgia, where he engaged in teaching during the year 1844, and the following year he was admitted to the Bar. Having chosen his profession, he wished to become as thoroughly equipped for successful work as possible.

Accordingly he took a course in the Yale College Law School, from which he graduated in 1846. He immediately returned to Canton, Georgia, and entered upon the work to which he had devoted

his life. For three years Mr. Brown applied himself closely to his profession, and was rewarded with success. His practice was growing and remunerative, and as a consequence of his merit his reputation was increasing.

In 1849 he was elected a member of the State Senate, and served one term. He was not ambitious of political honors, and declined a re-election that he might apply himself to the work he preferred. A man of his marked ability, however, could not remain in entire seclusion. In 1858 he was a member of the Electoral College of his State, and the youngest member of that body. In that Presidential campaign he was a supporter of Pierce and King. Three years later he was elected to the responsible post of Judge of the Supreme Court for what was then known as the Blue Ridge Circuit. This position he held with credit to himself for two years, when he resigned it to accept the Democratic nomination for Governor, which was tendered to him. His opponent was Hon. Benjamin H. Hill. After a spirited canvass he was elected, and was re-elected in 1859. Governor Brown was an ultra

Southerner, and an original Secessionist. His influence in his State was powerful, and the influence of his State was second to none. Central and important in its position, it was looked to as the Keystone in the southern arch. Mr. Brown used all his wisdom and skill in shaping the course of events in the South in 1860-61, and during the years of fire and sword that were brought on by the Secession movement. He was continued in the office of Governor until the close of the war, which resulted so disastrously for his State; being swept, as it was, by Sherman's army from the mountains to the sea.

He accepted the fate of war. He acquiesced in the reconstruction measures, believing that resistance to their execution would be more injurious to his State than any evils that might result from them. This course rendered him, for the time, unpopular in his State. As the Democratic party of his State opposed reconstruction, Mr. Brown acted with the Republicans. He was sent as a delegate to the convention that nominated General Grant, and supported him for the Presidency.

In 1868 the Republicans in the Legislature nominated him as their candidate for United States Senator. A few disaffected ones, acting with the Democrats, defeated him. This was the first and only defeat suffered by him. But few public men have ever been so uniformly

successful, when before the people for their suffrages.

He was appointed Chief Justice of the Supreme Court of Georgia by Governor Bullock, and held that position about two years, when, in December, 1870, he resigned, and was chosen President of the Western Atlantic Railroad Company.

In 1872 he again united in political work with the Democratic party on account of its professed acceptance of the condition of affairs, and the nomination of Horace Greeley as candidate for President.

For ten years he devoted himself strictly to business, not being a candidate for any political office. In May, 1880, he was tendered the appointment of Senator, to fill the vacancy caused by the resignation of Senator Gordon. He at first refused, but, being urged by the Governor, he accepted, with the express understanding that he would fill out the unexpired term, and would not be a candidate for the succession. When the old opposition to him, on account of his position on reconstruction matters, was revived, he reconsidered his decision, entered the race, and was re-elected by more than a two-thirds majority of the Legislature.

For many years Mr. Brown has been a member of the Board of Trustees of the State University, and takes a deep interest in the educational progress of the South.



## PENSIONING SOLDIERS OF THE MEXICAN WAR.

*Mr. Brown's Speech, delivered in the United States Senate, June, 18th, 1880.*

MR. PRESIDENT: This government, after too long delay, granted pensions to the soldiers of the war of the Revolution without any qualifications as to their wealth or poverty.

We had the war of 1812. A long time passed before there were any pensions granted to the soldiers of that war, but the time did come when the government judged it was proper, on account of the valuable services rendered by them to their country, to grant pensions to the old and decrepit soldiers of the war of 1812. And I recollect no provision in that act that drew any distinction between him who was in the poor-house or the old soldier who lived in good style and had means to support himself. The pension was not for his poverty, but for the valuable service rendered to his country.

About thirty-four years ago we declared war against Mexico, and the soldiers of this country rallied under the flag of the government and marched to that foreign soil and achieved feats of valor the equal of which have scarcely been known on any other fields. They soon overran the country, humbled the government of Mexico, and dictated terms at its capital; and, as the honorable Senator from Texas [Mr. Maxey] justly tells us, we annexed as the result of that conflict of arms an empire of territory and an empire of wealth. The number of men was comparatively small who achieved this grand result. True, we have since pensioned the wounded and those who were disabled in that war. Time has passed along and many of the old soldiers of the Mexican war as it has been so well and so eloquently said by the able Sena-

tor from Indiana [Mr. Voorhees,] are becoming decrepit. They are now mostly old men; all except the youth who went in then are now gray-headed, time-worn, little able to work for their support.

My honorable friend, the Senator from Kentucky, [Mr. Williams,] in this state of the case, comes forward with his bill to pension those old veterans who were his companions in arms, and the gallant old soldiers of the Indian wars, and we are met here with amendments which seem to us to be intended to defeat this measure. I neither impugn nor question the motives of Senators, but I say it seems to us this is the intention; and if the amendments prevail, that this is to be the effect. The amendment of the Senator from Kansas [Mr. Ingalls] is in substance that all the soldiers who lately fought in the war for the preservation of the Union on the Union side are to be now pensioned. Another amendment, offered by the honorable Senator from Maine, [Mr. Blaine,] is that the soldiers of the Mexican war are only to be pensioned where it is shown that on account of their poverty their necessities require it.

As I have said, that is an unusual amendment because it has not been incorporated in other bills granting pensions to soldiers who have defended the honor and the flag of their country. It is not a proper time now, I insist, to pension the Union soldiers indiscriminately, nor do I suppose honorable Senators on the other side have any intention of doing so, because the period has not arrived which has brought them to old age, or that has caused

them, on account of their age or infirmities, to be unable to work for an honest living. If it were the purpose of Senators to vote to give them pensions indiscriminately now, it would then be the object of my amendment to postpone the operation of that part of the act till as long a period of time is past after the service was rendered as has already passed in the case of soldiers of the war against Mexico and of the Indian wars.

I think it cannot be justly asserted that we of the South have been illiberal in voting pensions to Union soldiers who were disabled by the war. But we insist that the cases are not parallel. It is not proper to put the Union soldier on the pension-roll by the side of the old soldier in the war against Mexico, because the length of time has not passed which disables him by age or infirmity from making his own living by his own exertions or his own labor.

When the Senators introduce an amendment here, which they have not done, to limit the period of the age at which a soldier who served in either of the wars shall draw a pension, I may then be prepared to say something on that subject. If the honorable Senator from New York, for instance, chooses now to introduce an amendment to pension a soldier of the war for the Union who is sixty-five or seventy years of age, I may or may not be found voting with him. If he chooses to introduce an amendment here that a soldier who served in the war against Mexico shall not be pensioned until he has arrived at a certain age, I may or may not be willing then to vote with him. But no such question as that which the honorable Senators have pressed on the consideration of the Senate is now before us. I am discussing the bill with the amendments submitted; and I am replying to the arguments which have been made on those amendments. I say that the cases of the Union soldiers and the soldiers of the Mexican war are not parallel; because there were about two millions of men in the Union Army, and

about one hundred thousand, I believe, in the army against Mexico; and the proportion of old men in the Union Army that served any length of time may not have been much greater than in the Mexican war; but I presume it was something greater, because they were called out sometimes for mere local service, for thirty days; and I give the Senators the benefit of all that; but I say that does not affect the question we are now discussing. I will meet the question presented by the two able Senators when it comes in shape for action before the Senate.

The time has come when I think it is proper to pension the soldiers of the war against Mexico and the Indian wars; and when amendments come up as to limiting the period of time or the age when they shall have it, I will then consider that question. When interrupted by the three honorable Senators I was discussing the amendment of the Senator from Maine, by which he proposes to pension in the case of the soldiers against Mexico only those who are indigent; and I was attempting to show the Senate that that was an exception never made heretofore in a general pension bill, and that it was not a proper one to make against the men who had performed the feats of gallantry and had achieved the grand results that the men did who fought against Mexico. That is about what I desire to say upon that point.

Now, Mr. President, a few remarks upon another point.

The honorable Senator from New York, [Mr. Conkling,] it is true, did not say that the Senators on this floor who fought on the Confederate side of the late war, which he terms the war of the rebellion, sit here by the grace of the government, of the Senators on the other side, or of the party to which the honorable Senator belongs; but why, let me ask that honorable Senator, was it necessary to throw out the idea on that point that we sit here under circumstances where the title to our seats might at least by implication be questioned?

The honorable Senator in his interrogatories to the Senator from Texas desired to know whether the result achieved by the Union army in the preservation of the Union was not much greater, more grand, and glorious than the result achieved by the soldiers in the war against Mexico. On this point I desire to say that I must suppose now that Providence overruled our efforts to secede from the Union, and I presume a wise Providence had a grand object in that result, and, if He had, He will doubtless continue to develop His designs until the achievements of the Union army in restoring the Union may be above comparison with the achievements of any other army that ever went into the field. If I am right as to the divine will in this matter, then I trust these grand and glorious results may be perpetual, and may bring us, with good government, unbounded wealth and unlimited prosperity.

But why, let me ask, are we thus told by the Senator from New York, gently, delicately, mildly, that we hold title to our seats here by grace? Your armies fought, as you claimed, for the preservation of the Union; you could not preserve it without representatives from all the States in this Chamber. The constitution of our fathers, the compact of union of our fathers, requires that each State shall have two representatives of her own free choice in this Chamber; and I care not how long a State has been in rebellion, when she lays down her arms and you refuse to permit her Senators to come back into this Senate and occupy their seats, you do that which you did not profess to do during the war; you destroy the Union of the constitution by refusing to permit the different departments of the government to perform the functions required by the constitution.

The State of Georgia has a right to two Senators on this floor under the constitution of the country, and they hold their seats here by the grace of no political party, of no government, of no department of government, and of no

other power on the face of this earth except a guaranteed right under the constitution of the United States. We sit here as matter of right, and not as matter of grace.

True, we attempted to go out of the Union. I grant it. I was a secessionist, earnest and active; I mince nothing about it. Georgia sent about one hundred regiments into the field against you, organized by me as Governor of my State or called in under the conscript act of the Confederate States, which, as all know, I did not approve. We fought you honestly. We were as earnest, as honest, as bold, and as gallant as you were in the struggle. We believed we were right.

I believe it yet. I say we were right on principle at the time. Two great questions brought the war about. They were slavery and our differences on the right of secession. Two great questions, the discussion and agitation of which shook this country from centre to circumference. Bold men, enthusiastic men, I may say patriotic men, each believing they were right, advocated their own ground with zeal and ability.

We of the South believe we had a right to slavery guaranteed by the constitution of our fathers. The people of New England and Old England imported the slaves. You did not find it profitable to continue to use them, and you sold them to our fathers. As you did not find it profitable, and it could be made profitable in the South, you sold them to our fathers, took their money, which you put into brick and mortar, factories, shipping, and other profitable investments that built you up and made you a great people. I would detract nothing from your merits. I admire your industry, I admire your educational institutions, and I admire your prosperity, and wish you well in it.

Your people, after the importation of slaves had ceased, became dissatisfied with slavery when we became prosperous with it, and without going over the ground so often

occupied, which I do not intend to do here, suffice it to say we reached the point where you had elected a President on a sectional issue against the extension of slavery, and we of the South thought we saw in this no other alternative than the ultimate downfall of slavery, or the exercise of what we considered the inherent right of secession and withdrawing from the Union.

On this issue you resorted to arms to compel us to remain in the Union. We met you in the high court of your own choice, knowing that on the issue of that litigation was involved the question of slavery as well as the right of secession. I believed then and I believe now that the right of secession was inherent in the several States, but when we staked it upon the issue as joined, we were bound honorably and in good faith to abide the judgment of that highest of human tribunals, the *ultima ratio regum*. The result of that litigation in that high court of last resort was the arbitrament of the sword that slavery was abolished, perpetually, forever abolished, and must always remain abolished, and that ours is an indestructible Union of indestructible States. And as I said in the Senate the other day, while I would have given my life then to maintain our institution of slavery, believing it was for the best interests of both races, morally, politically, socially, and religiously, yet, if by turning my hand over to-day I could reinstate it I would not do so. I accept the result, feel bound by the judgment, and shall never move for a new trial. And I say the same as to the question of secession; I consider it forever settled.

I did think a State had the right to secede, and still think it had, but the decision of that high court, as already stated, was against the right and against my judgment of the right, and I feel bound by that decision, which settles the question finally, perpetually, forever.

Now, will the Senator from Iowa please put that with the other answer? That is where I

stand. I hold that a great war like the late war between the States always settles something. The war of the Revolution settled something. We went into that war the subjects of Great Britain: we came out a free country, with free and independent States. There was no question that the English government had the right to control us as colonies under her charters before that war. It is equally clear that she has no right to do it now. Why? Because the war settled that question and settled it forever. It settled it against England; it settled it in our favor, and we are no longer the subjects of the British Crown. In this view of the subject it must be admitted that wars do often legislate, or at least they decide disputed rights.

The parallel, to some extent, of the war of the Revolution is the war of the Rebellion, as you term it, and as we must all term it on account of our failure. At the time we did not so consider it. If we had succeeded we would have been patriots and heroes, but having failed we were rebels; consequently we must accept the term "the war of the Rebellion." That war settles it permanently and absolutely that slavery is dead and that the right of secession is lost and gone forever, just as the war of the Revolution settled the fact that we were no longer colonists of the English government. But while that was true, it did not settle the fact that the States had no rights in the Union. It settled, and settled perpetually, the question of our right to go out. That will never be contested again, but we stand with whatever reserved rights we originally had in the Union under the constitution, with the perfect right of State representation upon this floor, without favor or grace from any quarter, and with the perfect right of local self-government as practiced by the fathers, limited only by the new amendments to the constitution. And so has the Supreme Court of the United States in effect decided since the war.

Many of the Senators on the other side were

Whigs originally, and I will admit that we stand to-day in this government more nearly upon the original platform of the Whig party than that of the Democratic party, to which I belong and in whose fold I was reared. We cannot now stand to the full extent upon the doctrines of Mr. Jefferson and Mr. Calhoun, because the war, so far as the right of secession is concerned, has settled that against us; but we can stand upon the doctrines of Clay, Jackson, and Webster as to the rights of the States. And there is where I think we do stand, and where all States and parties should continue to stand.

Now a word further in reference to our right to be here. I admit at the end of the war, when we were the vanquished you were the conquerors, and I as an original secessionist, believing we had gone out of the Union and had been conquered, admitted your right to dictate the terms as conquerors.

When President Johnson committed the great mistake of not calling Congress together and submitting his plans to them before he attempted to reconstruct the Southern States, and dictated his terms, I advised our people instantly to accept them. Why? Because as I understood it we had seceded and you had made war upon us, and in that war you were conquerors, and you had a right to dictate the terms; and as the President alone, in the advance of Congress, represented the conquerors, I bowed to his dictation. We had no one else to appeal to.

When Congress assembled, and the Republican party being largely in the majority, repudiated his action and took the matter in hand, you dictated terms that we of the South thought very hard; but hard as I thought they were, as a matter of necessity and because there was no escape from it, I advised our people at once to recognize your authority, acquiesce, and promptly comply with your dictation. We had tried resistance to your authority when we had

nearly half a million of gallant men under arms, and by your superior numbers and resources you had decimated our ranks and compelled us to surrender. At the end of the struggle you had, I believe, over twelve hundred thousand troops organized and on your muster-rolls, in service and ready for service. Having failed to make effective resistance while our armies were in the field, I saw no hope of it after they had surrendered and you remained armed and equipped in all the plenitude of your power. In this state of the case I was satisfied the wisest thing our people could do was to agree with the adversary quickly, I thought it of the first importance to get back into the Union and get rightful representation in Congress as States, even upon the unjust terms of your dictation. And I so advised our people.

It is true I went through a hard ordeal on account of that advice, but I have never yet regretted it, because I thought it was best for my section and best for the whole country. And I think it will generally be admitted that time has proven the correctness of my judgment. I then stood upon the platform of acquiescence in the reconstruction measures dictated by Congress. I still stand there. The Democratic party of the whole Union stands there to-day, and has stood there for the last eight years. I supported Grant in 1868. The national Democratic party supported Greeley in 1872. It seemed to me we were then together again. And I have constantly acted with them since then. But at that time other eminent gentlemen differed with me. They were honest as I was. I impugn the motives of nobody. I only speak of the history of those events. I am aware, gentlemen, that you considered us still very rebellious, because the section to which I belonged, the States lately in rebellion, did not instantly acquiesce in everything you dictated. Let us look at this a little and see if you ought not to have viewed our

course with a little more fairness, not to say charity. It seems to me justice required that in passing upon our acts you should have taken into the account our true condition and the great embarrassments of our situation.

We may have made a great mistake in going into the war. I think, however, there was no other way on earth to get rid of the slavery question. It was only a question whether we would fight it out or our children would have to fight it out. Be that as it may, we went into it a wealthy people. We lost by the results of the war over two thousand millions of dollars' worth of slaves. We supported our own armies for four years out of our substance. It is true the Confederate government and the States issued bonds and notes, but at the end of the war you required us to repudiate them absolutely; and I admit you had a shadow of reason for that. It was said there were Union men in those States, and Union men had a right to go there and settle, and that no Union man should be taxed for the purpose of paying the war debts of the Confederate States. That was the most feasible grounds on which you put it. Suffice it to say that you required us to repudiate those obligations, and the result was as stated, we supported our armies for four years out of our own substance.

Then we returned to the Union as soon as you would let us. It is true we were in rather an awkward dilemma for a time. During the war you said we had no right to go out; that we never were out; that our ordinances of secession were nullities; that we were all the time in the Union. Well, we surrendered, after we had made as gallant a fight as we could, and we came back with our representatives ready to acquiesce in your theory, and in good faith resume our place in the Union, and you refused to admit us. You said we were in while we were fighting you, but we found we were out when we laid down our arms. However, after a long struggle you did admit us, but

on what terms? You, by the fourteenth constitutional amendment and the reconstruction acts, disfranchised every man, who had held office and taken an oath to support the constitution, from voting for delegates to the conventions held under the reconstruction acts, and after that period, not from voting, but from holding office until relieved by Congress.

Well, now look at that. You will at least admit that the people of the South were a gallant people. And you can readily imagine how keenly they felt terms of that character. They thought it was hard, even cruel, that you should impose such terms; but you did impose them. Furthermore, when you finally let us back into the Union, we of course had to assume our part of the expenses of the war on your side. In other words, in proportion to our means we had to pay our part of the debt contracted for the support of the Union armies, and not only so, but we have to pay our part of the very large sum that is now annually appropriated to pension Union soldiers, and I grudge not a dollar of it to them, for they were gallant men fighting for their honest convictions. On the other hand I think you should sympathize with the poor maimed soldier who on our side felt that he was fighting in as sacred a cause as yours, and believed he was right, who can draw no pension because he was on the weaker side.

But that was not all. You set our slaves free as I have said, and then very soon after that you put the ballot in their hands to go to the polls by the side of those who had lately been their masters and owners and exercise the elective franchise.

Now, I beg Senators to remember that all these things taken together were very trying to a gallant people. A people who had gone into the war from honest conviction that they were right, who had lost in the contest under circumstances like these would very naturally feel the defeat and the terms imposed by

the conqueror keenly, and it would have been remarkable if there had been no riots, no bloodshed, no lynch law, nothing there to disturb the quiet of society. It is only remarkable, when we think of all we had to undergo in the reconstruction period, and the losses of the war, and the irritations growing out of it, where every family had lost a father, a brother, or a son, to say nothing of property, not that we should have had so much of disorder, but remarkable that we did not have more of it. Place yourselves in our situation, with our misfortunes, and tell me if you think your people would have acted with greater moderation or less of violence.

Now the Senator from Kansas [Mr. Ingalls] tells us that if this bill passes we put upon the pension-rolls a portion of the old Mexican soldiers and the soldiers of the Indian wars who fought in the war of the Rebellion under the rebel flag. I have no doubt that will be so, because they were as gallant a body of men as you ever knew when they fought under the Union flag. And when their section was invaded, and they were satisfied they were right, they rallied to arms and they did fight like heroes under the rebel flag. But, after all the hard terms you put upon us, after all we have had to suffer, as just recited, are these gallant old heroes to be still further punished? Is the bloody shirt to wave forever? Is there to be no time when the offense of fighting gallantly for honest convictions is condoned?

We do not ask you, Senators, to pension them because they fought in the war of the Rebellion, but give them pensions because they fought in the war against Mexico, under the flag of the Union. You say you forgive the balance. You do not require us now to take the oath that we did not engage in the Rebellion before we can hold office. You permit the mass of our people to go to the polls by the side of their former slaves and vote. Why, then, will you make the point here that these old

heroes served in the rebel army when asked to give them pensions for the service done upon a foreign field under the Union flag? I think Senators on the other side will not be so illiberal as that. It seems to me to be illiberality. Now, when the war is over, and you have dictated the terms and enjoyed the results, you might at least be content to waive further reference to the conduct of these gallant men, who were acting under honest convictions during the late civil strife, and give them pensions for valuable services rendered to the Union. Why not?

While on the floor I want to say a few words about another subject that is not exactly germane to this issue, but I shall not have another opportunity, and as it is in reply to remarks that dropped on the first day I sat in the Senate from Senators on that side, I ask your indulgence. It is in reference to the treatment of the colored race by the people of the South since the war. I know that much was said about sworn testimony as to riots and bloodshed in the South soon after the war. Much of this testimony was from sources wholly unreliable and unworthy of credit. But I have admitted that there was some of it, and have given you the reasons for it. Now allow me to tell you that that day is passed. In my State—and I can speak more certainly in reference to it because I am better informed there—we have as orderly a community to-day as Senators from the northern section of the Union have in theirs. Law and order reign supreme, and he who inflicts an injury upon a colored man must answer for it to the law. Not only that; the colored race has behaved well; they are working well, and we feel most kindly toward them. Why should we not? They were raised in our households; the master and the mistress of the premises had the responsibility of looking after and caring for them. That responsibility added to the common dictates of humanity and our interest in them made us treat them well. There

were some bad slaveholders as there are some bad husbands and guardians in northern States; but such was not the rule.

When the war came the newspapers on your side predicted that it must be of short duration because our negroes would rise in insurrection and soon disband our armies. Well, I confess we were not without some apprehension on that subject, and they could have disbanded Lee's army any moment they had risen in insurrection in the rear. I mention that to show you the kindly understanding that existed between the two races at the time. There was no bad feeling there between them, and during the whole period of the struggle, where they were not torn away from us by the Union armies intervening, they behaved as well as any race could behave, and I take pleasure in testifying to it.

When General Sherman invaded the territory of my State and I called out, in addition to the very large number in Confederate service, the old men up to fifty-five and the boys down to sixteen, it was an extraordinary levy on account of the invasion. The whole manhood of the white race was in the martial field and the whole manhood of the colored race was in the corn-field and the cotton-field. They had it in their power to disband our armies, but they did not choose to do it, and when the news would come of one of Lee's or Stonewall Jackson's brilliant movements and splendid victories, I have seen them throw their caps high into the air and shout for joy over it. The only inquiry was, "How is Massa John or Massa Tom? Is he out safe?" Hence I say we have no reason to feel unkindly toward them.

Then again at the end of the war, when you gave them the ballot by our side without education, without training, without any state of probation, it was certainly a dangerous experiment. We anticipated, it is true, great trouble, and we did have trouble, because that class of men called carpet-baggers, who were ad-

venturers, who had no stake at home, came down and took charge of them and often misled and deceived them, and in that way we had trouble, but take it altogether they behaved then—I take pleasure in testifying to it—better than probably almost any other race would have done under similar circumstances. Then I say we are not hostile to the colored race. We are their friends and they are our friends.

Now, a little further. Soon after the war, and during the reconstruction period, the question of their education came up. It was a very vexed question. The leaders of the two races came together when the first Legislature under the reconstruction acts was in session—and a considerable proportion of it was colored—to confer on that subject as to what was best to be done. I recollect a delegation of them came to my office—I was then on the supreme bench as chief-justice of my State—and asked my advice about it, and I know they asked the advice of other gentlemen very freely. I said, "We cannot have mixed schools; you build a school-house for your children on one hill, and we will build for ours upon another, and we will divide the money with you honestly and faithfully; you shall have your honest *pro rata* according to the number of children you have within the school age, and though we have to pay it—and as a people we are left very poor—we believe it right that you have your part of it, and we will see that you get it." At the time we could not make large appropriations for that purpose, but we did the best we could and divided the fund fairly. It has since increased till I see by the last report of our able State school commissioner we now raise and apply to public schools in our State about \$400,000 annually.

The question came up also as to the education of their sons at college, and they asked what about that. We said to them, "In the present state of feeling here if you send your sons to college with ours there will be trouble and probably it will break up the college, but we



will build you a college; select your place; we will appropriate money out of the treasury to construct your buildings for you, and we will appropriate exactly the same amount annually to your college that we do to our own, or if you will adopt a college that a noble charitable society of New England has already located in Atlanta, and they will waive the denominational feature, we will adopt that as the colored college of the State, and we will make the appropriation to it.

Prior to that time we had appropriated annually \$8,000 to our State university. That year we appropriated \$8,000 each to the college for the whites and the college for the colored. A colored member went into the Legislature and moved that the schools be kept forever separate. A white member thereupon moved that the colored race should have their fair proportion of the fund. Both propositions were adopted, and a fair division was made. It was just and it was right. It was true that one of the executives of the State since did recommend that the \$8,000 a year to the colored college be discontinued for what he considered good reasons, but after the question had been thoroughly canvassed in the Legislature the appropriation was made by a majority so overwhelming that there was scarcely any division upon it. Then when our convention of 1877 met, which framed our present constitution, they incorporated into it the fundamental principle that the State should continue to make suitable appropriations to maintain a colored college.

The city of Atlanta maintains a system of public schools. It employs sixty-odd teachers in the public schools. They are paid out of the treasury by taxation of the people. Part of the schools were built for the colored race and part for the white, and they have had equal justice there all the while, and there is no complaint whatever; at least I hear none, and I have been a member of the board since its organization.

Therefore I say the colored people are satisfied. We have given them fair play in the educational system of the State throughout.

We employ the colored people. They are the best laborers we can get. You may talk about German immigration, Chinese immigration, or any other immigration into the State, I would not give the negro as a laborer in the cotton-field for any man of any race. They are laboring there faithfully and we are paying them justly, and we intend to continue to do so. Many of them are accumulating property. We are glad of it. We feel kindly toward them. We wish them well. You made them citizens and we now wish to aid them to be good citizens, and to become useful members of society. To that end we shall do all in our power.

I know I should beg the pardon of the Senate for making this digression, as it is not germane to this particular debate; but while on the floor I have asked the privilege, because I think some honorable Senators on the other side the other day, from the tenor of their speeches, whatever may have been the case in the past, did not understand the facts of the case or the relations as they exist between the two races in our State at the present time.

Now, Mr. President, I have gone through substantially what I desired to say. I have already said that we are paying our part of the taxes to pension your wounded soldiers, and we do not grudge it to them, though we deeply deplore the fact that ours have no pensions. The only chance, probably, for the South to have a little in return is for you to give pensions to these old Mexican veterans, and veterans of the Indian wars. I know Senators on the other side cannot be charged with want of generosity; but I ask, is it generous in the present state of the case to refuse a little pittance to those men who composed that grand army of invasion of Mexico, the superior of which, according to its numbers, has never been known upon the

planet that we inhabit? I appeal to Senators to withdraw the objection, and, at least, do that much for the men who served so gallantly under the flag of the Union so long ago, both in the Indian wars and the Mexican war, and do not lay to their account the fact that, pursuant to their honest convictions, they have since served their own States and their own section in what you term the war of the Rebellion. It seems to me, after all that has been condoned and all we have suffered, that might be passed over on this occasion, and that your magnanimity might prompt you to act liberally toward them.

When we returned to the Union we did so in good faith. The question of the right of secession is settled forever, and with its settlement our faith is pledged to stand by and defend the constitution and the Union. In the field you found the Southern armies to be brave men, and brave men are never treacherous. Should our relations with foreign powers at any time involve this government in war, the people of the North will have no reason to complain of the promptness, earnestness, and gallantry with which the people of the Southern States will

rally around the old flag and bear it triumphantly wherever duty calls. If that emergency were now upon us, the comrades in arms of Sherman and Johnston, who once confronted each other with such distinguished heroism, would rally together in the cause of the Union, and, vying with each other, would perform such prodigies of valor as the world has seldom witnessed. This being the present condition of the country, the present feeling of the great masses of people on each side, let us do justice to each other, restore cordial and fraternal relations, and, folding up the bloody shirt, let us bury it forever beyond the reach of resurrection; and let us unite in the enactment of such laws as will show to the world that we are once more, not in name only, but in reality, a united people, ready to do equal and exact justice to all. And let us move forward grandly and gloriously in united efforts to restore to every section of the Union substantial, growing, material prosperity; and we will then bring to the whole country peace, happiness, and fraternal relations. This seems to me to be a consummation devoutly to be wished by the patriotic people of all parts of the Union.







SAMUEL J. RANDALL.

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## SAMUEL J. RANDALL

**A**MONG the leaders on the Democratic side of the House of Representatives, Samuel J. Randall, of Pennsylvania, holds a prominent post. He is a native of Philadelphia, and was born on the 10th of October, 1828. He obtained a good academic education, and spent his early manhood in business pursuits. He early entered the field of politics, first in his native city, being elected a member of the City Council, when about twenty-six years of age. He held this position for four years, and was then elected to the State Senate, where he served in 1858 and '59. In 1862 he was elected to membership in the Thirty-eighth Congress, and has held membership in the House continuously since that time. His time of service numbers twenty full years, and he has just been chosen for another term by an increased majority to what he previously received. Mr. Randall was a prominent candidate for the Speakership of the Forty-fourth Congress, and, on the death of Hon. M. C. Kerr, who had been elected, Mr. Randall was chosen to that important position at the commencement of the sec-

ond session of the Forty-fourth, and was honored by re-election to the same position in the Forty-fifth and Forty-sixth Congresses. The Republicans having a majority in the next Congress, Mr. Randall failed of a re-election. He is one of the most prominent candidates for the office of Speaker of the next Congress, and stands a strong chance for the election.

During his long term of service he has held many prominent positions on important committees, and has exerted strong influence on the course of legislation, especially while his party held a majority in the House of Representatives, and while he occupied the Speaker's chair.

While the majority of his party are opposed to a protective tariff, he is in favor of it, and this fact makes him a more acceptable candidate for the office of Speaker, to the Republican minority, than some of his prominent competitors.

Mr. Randall is a shrewd and sagacious party leader, rather than a great statesman. He commands the respect of his political opponents, and the confidence of his party associates.

## THE FUNDING BILL.

*Mr. Randall's speech, delivered in the National House of Representatives, Dec. 21, 1880.*

MR. PRESIDENT: I do not believe that there is any bill which we can consider at this session of Congress more important than the one now under consideration, and I do not believe that there are many members of this House who really desire to prevent legislation upon this subject. We want to legislate, and, in my opinion, we shall legislate upon this matter. We are not bound to wait from day to day for gentlemen who want to speak by the hour. It is their duty to be here, and to avail themselves of the disposition manifested by the House to-day, to give them the opportunity, under the rules, to speak upon this bill, and to speak by the hour, if they desire to do so. The consideration of this bill should not be procrastinated because such gentlemen absent themselves. If they are not here, it is their own fault; and public business should not be delayed in consequence. It is desirable that we should proceed to consider this bill under the five-minute rule.

There are many provisions in the bill, as reported and printed, to which I cannot give my support. I agree with the gentleman from Minnesota [Mr. Dunnell] in the suggestion, that if we are to have what I might denominate a call-bond, running from two to ten years, we can make such loan in larger amount than this bill proposes. It will be observed the Secretary of the Treasury states in his last report that, during the next ten years, as he believes there can be, and should be, taken up \$520,000,000 of public indebtedness, to go to the credit of the sinking

fund. I would like to see the difference of opinion, as to this character of legislation between the East and the West, reconciled as far as possible. I would like to see an agreement that the larger part of the indebtedness, falling due next July, shall be met by a call-loan, running from two to ten years. The figures given by the Secretary of the Treasury show that the amount which should be placed to the credit of the sinking fund varies from \$40,000,000 to \$60,000,000, yearly, from 1882 to 1891, inclusive. We could provide in this bill that the first year \$40,000,000 should be paid to the credit of the sinking fund; the second year, \$45,000,000; the next three years, \$50,000,000 annually; the next three years, \$55,000,000 annually; and the last two years, \$60,000,000 annually. We should, in this way, get clear of an existing objection on the part of some to a long bond. If the Secretary of the Treasury can handle, as I do not doubt he can, \$520,000,000, or thereabout, of these call-bonds, then there will remain but \$100,000,000 to be placed as a permanent loan at three per cent.

I think, myself, from examination, that \$600,000,000 in the aggregate will be a sufficient amount for us to provide for by legislation. There is to be paid on the 31st of December, 1880, \$13,414,000 on account of the loan of February, 1861; and the Secretary of the Treasury states that he has the money to meet that requirement. In July next there will be redeemable in the aggregate \$672,224,800 of bonds. It is prac-

tically all in one shape. It is redeemable then, or at any time thereafter, at the pleasure of the Government. The Secretary of the Treasury tells us that, from money now in the Treasury, he can pay \$50,000,000 of that amount, thus reducing the aggregate amount to \$622,224,800 that we must provide for by legislation. I believe it will be found, after a careful examination of the resources of the Treasury, that we can go further, and pay to the extent of \$72,224,800, and that we need not provide for more than an issue of \$600,000,000, to include both the proposed call Treasury notes and bonds, both at 3 per cent. per annum.

In this bill, I would like to provide, if possible, as an auxiliary to this legislation, that the national banks shall be compelled to deposit, entirely in 3 per cent. bonds, the amount required by them to be deposited in the Treasury, as a protection for the holders of their circulation. I am not quite sure whether such a provision would interfere with a seeming contract with the banks. I am not quite certain whether we have the power, by a law, to change the requirement as to the form of the securities to be placed by the banks in the Treasury, as a protection to the note holders, and indicate a particular bond at a particular rate of interest. If, upon examination, it be found that we possess this power, then I would like so to legislate that the entire \$359,000,000 of bonds held by the Treasury of the United States, as security for the circulation of the banks, shall be exclusively in the 3 per cent. indebtedness now to be issued. Thus we should make an immediate market for those bonds to the extent of \$359,000,000 from that source. The Secretary of the Treasury tells us that, of the bonds falling due on the first of July next, \$200,000,000 are held by the banks. As to this amount, there would be no difficulty ;

but I would prefer to go further, and say to the banks, "We propose now, by legislation, to change the character of the guarantee which the people have in the deposit of bonds for the national bank circulation ; and, instead of depositing six per cent., five per cent., four and one-half per cent., and four per cent. bonds, you shall make your entire deposit in three per cents." Should the banks accept this condition, they could, with much more equity, come forward and ask a reduction in the amount of taxation on their circulation.

I have observed that the banks study, as other people do, their interests, and I believe that it will be for the interest of the banks to have this deposit of bonds, for the protection of the note-holder, placed permanently in the form of bonds bearing three per cent. interest. I think I speak for the banks of Philadelphia, when I say that they would be willing to promote, as far as they can under the law, this form of deposit.

I am asked, if I suppose the banks will be willing to take these three per cents. in lieu of the four-and-a-half or four per cents. that they now hold. I think that they will. As to \$200,000,000 of the bonds falling due in May and July, 1881, and at present held by the banks, they naturally would, and, as to the other bonds held by them, they would realize, by sale, the premium on their bonds bearing a higher rate of interest. Thus, we would immediately make a market for our three per cent. bonds. The banks would at once become larger purchasers, and other capitalists would follow their example. The entire amount of the indebtedness of the United States, held by the national banks, State banks, savings-banks and private banks, can be stated at more than \$630,000,000. It is so invested by them for security as the safest place in which to deposit it, beyond all the contingencies of trade and commerce,

and I believe the banks of the country, just as they did at the beginning of the war, will promptly come forward and secure for these three per cent. bonds an early taking, so far as they are able.

There is one further remark I desire to make. In my judgment there is no earthly reason why the United States should not borrow money at as low a rate of interest as any other of the civilized nations. We have the ability, which is an important fact for the investor to know, and we have the disposition to meet principal and interest of our debt. England borrows money at three per cent., and is now trying to reduce the rate of interest to two-and-a-half per cent.; and yet England confessedly never expects to pay the principal of her public debt, and has sometimes a struggle to meet the interest upon it. Holland borrows money at less than three per cent., a fact which, I think, the gentleman from New York [Mr. Fernando Wood], Chairman of the Committee on Ways and Means, will corroborate. There is, therefore, no good reason why United States securities should not have a superior credit to those of any other nation, or why United States bonds should not stand at the head of all governmental securities. What we ought to do concerning the provisions of a refunding bill, at this time, is precisely what any good business man would do in the management of his own affairs, that is, borrow money in a manner where we can borrow it at the lowest rate of interest.

I come now to touch another point. I find in this bill a re-enactment of various laws in connection with the past funding of the public debt, laws passed under totally different condition of things, and in reference to which there has been, in my mind, some abuse. If there is in any of these laws, which are proposed by this measure to be re-enacted, and

given fresh force and effect, anything which provides for the payment of a commission for the disposal of these new bonds which are to be issued, then I, for one, want to know it. We ought to know, before we are called upon to vote upon the proposition, whether the re-enactment of any of the laws alluded to, renews the payment of any such commission. I do not believe in re-enacting any such law. I do not see any propriety, or any necessity on the part of the United States Government paying any commission. Let the purchaser pay the broker commission.

There is another feature in reference to which I would like to make an inquiry of the gentleman from New York, and that is, whether, in any law which it is proposed by this bill to re-enact, there is any provision for the payment of double interest in any case.

I have never been able to find out from the Treasury Department the amount of money paid in the way of double interest. There was, during 1879, refunded about \$740,000,000 of the debt of the United States. I learn from a report of the Bureau of Statistics of the Treasury Department, and issued under the authority of the Secretary of the Treasury, that, in 1879, there were \$83,773,778.50 of money due to bond holders, according to the rate of interest on the face of the bonds, and yet, on a prior page of that same report, I find there was actually paid, on account of interest during that same year, \$105,327,949. The difference is \$21,554,170.50. I can account for a part of this difference. I find there is not included the amount of interest paid on account of Pacific railroad bonds, which is \$3,800,000, or thereabout. I do not know what amount of commission was paid on the \$740,000,000 exchanged or redeemed during the said year;



but at one-half of one per cent., the highest commission allowed by law, it would only be \$3,700,000, and the two together would make \$7,500,000, or thereabout. There is still an amount of over \$14,000,000 that I cannot account for in any other way than as having been paid out on double interest account during that year. This is a large sum.

This, Mr. Chairman, is a matter connected with the formation and passage of this bill which should be looked to in the most careful manner; and we should provide in some way absolutely that there shall not be payment of any double interest. The interest should cease upon one bond as soon as there is another bond issued to replace it.

I have been induced to make these re-

marks, not in the light of criticism upon the bill, but simply in a way suggestive to the Committee on Ways and Means, in order that they may proceed to make such investigations into the subject to which I have directed their attention, as will make this bill in accord with the necessities of the government, and so satisfactory as to procure a favorable public judgment. I want, Mr. Chairman, to facilitate the government in its refunding operations in every possible way. There is not, as far as I believe and as far as I have been able to learn, any considerable number of members of this House who do not want every necessary legislation enacted to meet these bonds in July, and we shall fail in our duty if we omit providing a satisfactory manner of meeting them.



## JAMES A. GARFIELD.

**J**AMES A. GARFIELD was born in Orange, Cuyahoga County, Ohio, November 19, 1831, and when two years old was left an orphan by the death of his father. His youth was spent in toil and privation, such as many know who are left to fight the battle of life in a new country.

He improved the privilege of attending the village school a short time yearly, until he was sixteen years old. When in his seventeenth year he found employment on the Ohio canal, at first as driver on the tow-path, and afterward as a boatman. In 1848 he returned to his home, attended school during the winter, and excited a thirst for something better in life. In March, 1849, he entered the academy at Chester; remained there two years, teaching during the winter, attending the academy the two remaining terms, and occupying his spare time and vacations at the carpenter's bench. In the spring of 1851 he removed to Hiram, and entered the Institute at that place. He employed himself in his new location very much as he had at Chester. He remained at Hiram until 1854, dis-


tinguishing himself by his progress in the study of Latin and Greek. In 1854 he entered Williams College, and graduated in 1856, taking the highest honors of his class. The next year he returned to Hiram, and spent one year as tutor, and the next year was chosen President of the institution. In this capacity he served until his entrance into political life. He became well and favorably known among the educational men of the State, and was an able orator and influential worker. His neighbors and acquaintances concluded that he could render valuable service in another field, and he was elected to represent his county in the State Senate in 1859. He took an important part in the deliberations of that body, distinguishing himself as a clear thinker, able debater, and laborious worker, investigating thoroughly all questions demanding his attention.

In August, 1861, he was appointed Lieutenant-Colonel of the Forty-second Ohio Volunteers, and, after a few weeks of camp duty, was promoted Colonel. With his regiment, he was ordered to report to General Buell, in Kentucky, was assigned to the command of a



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brigade, and ordered into East Kentucky to drive the Confederate forces, under General Marshall, from the State. This work he performed in such a masterly way that his reputation as a volunteer commander was well established, and on January 10, 1862, he was commissioned a Brigadier General.

Returning from East Kentucky, he found Buell on his way to join Grant at Pittsburg Landing, and hastened to overtake him. He arrived on the battle-field the second day of the fight, and, in command of the Twentieth Brigade, shared in the closing scenes of that hard-fought field. Soon after this he was taken sick, and on his recovery was ordered to Washington, and appointed on the court-martial for the trial of Fitz John Porter, and was fully convinced that that officer well deserved the punishment he received, if not a severer sentence, and at a later date was ready to defend the justice of the sentence from his place in Congress. He was next appointed Chief of Staff to General Rosecranz, and assisted in the arduous toils of the campaign under that officer, winning new laurels on the bloody field of Chickamauga and the operations which followed. On the 20th of September, 1863, he was commissioned a Major General.

While in the field, his friends at home concluded that he could render more valuable service to his country in the halls of Congress than on the battle-field, and nominated him to rep-

resent his district in the House of Representatives. He was triumphantly elected. He served in the Thirty-eighth and every successive Congress to the Forty-seventh.

Upon taking his place in the House, at first, he was appointed to a position on the Committee on Military Affairs, and the next Congress he was given a place on the Committee on Ways and Means. Mr. Garfield never accepted any special trust without taking particular pains to qualify himself for the most successful fulfillment of it. He had made a thorough study of military science and practice, and was eminently successful in planning and carrying through campaigns, and performing all duties in connection with his place on the Military Affairs Committee. He made a masterly study of the whole financial question, and was regarded as the best posted man in Congress on such questions. No question of importance ever came before the House, during the years of his membership, but was thoroughly studied by this faithful servant of the people. So great was his devotion to public duties that his health suffered, and, under his physician's advice, he sailed for Europe after the close of the summer session of the Fortieth Congress.

Mr. Garfield made many important speeches in the House, and was always accorded the most careful attention by both parties. The following are some

of his most noted addresses, and show the wide range of subjects of which he was considered a master:

On the 28th of January, 1864, he spoke on the confiscation of rebel property, and in March, on free commerce between the States. In January, 1865, he delivered a strong argument in favor of the amendment abolishing slavery; and in 1866, having been appointed to duty on the Ways and Means Committee, he spoke very fully on the question of the public debt and specie payment. The same year, he spoke on the revision of the tariff, and, the following year, opposed the inflation of the currency. In 1868 he spoke on the power of Congress in relation to the reconstruction of the Southern States, opposed the position of the President, and, when the measure came before the House, sustained the movement to impeach him. In the Forty-first Congress he was Chairman of the Committee on Banking and Currency, and gave particular attention to the subjects connected with it. He turned his attention to the question of the Census, and drafted a bill for taking the census of 1870, which was not adopted. It was the basis on which that of 1880 was taken, which is the most thorough and complete ever attempted. From 1871 to 1875 he was Chairman of the Appropriations Committee. In 1876 he was appointed one of the two Republican members from the House, on the

Electoral Commission. In the agitation of the resumption of specie payment, during the Forty-fifth Congress, he was recognized as one of the ablest financial leaders in favor of the measure.

In 1880 he was elected to the United States Senate, but never took his seat, as the same year he was nominated for the Presidency by the Chicago Convention, and elected the same fall. Mr. Garfield was not an aspirant for the honor conferred upon him, but attended the convention in the interests of Secretary Sherman, of Ohio. When it became evident that neither Sherman nor Blaine could be nominated, their friends united upon Mr. Garfield, and gave him the nomination.

The position to which he was chosen, was one full of difficulties. There were bitter factional fights in his own party, and a vigilant and powerful opposition, almost evenly dividing the Senate and the House. He entered upon his duties with judicious care, and might have succeeded in managing the affairs of the country successfully; but, on the 2d of July, 1881, he was struck down by the assassin's bullet, which was fired by a disappointed office-seeker.

For almost three months he lingered, wavering between life and death. He endured the pain and agony without a murmur. Patiently and courageously he fought hour by hour for life. The hearts and the hopes of the

whole country were turned to him. There was no North, no South, no East, no West, but a united country, praying for his recovery. He lingered until the 19th of September, when death released him from his sufferings.



### NOMINATING SHERMAN.

*Mr. Garfield's speech, delivered at the Chicago Convention, in June, 1880.*

MR. CHAIRMAN: I have witnessed the extraordinary scenes of this convention with deep solicitude. No emotion touches my heart more quickly than a sentiment in honor of a great and noble character. But, as I sat on these seats and witnessed these demonstrations, it seemed to me you were a human ocean in a tempest. I have seen the sea lashed into a fury and tossed into a spray, and its grandeur moves the soul of the dullest man. But I remember that it is not the billows, but the calm level of the sea from which all heights and depths are measured. When the storm has passed, and the hour of calm settles on the ocean, when sunlight bathes its smooth surface, then the astronomer and surveyor takes the level from which he measures all terrestrial heights and depths. Gentlemen of the convention, your present temper may not mark the healthful pulse of our people. When our enthusiasm has passed, when the emotions of this hour have subsided, we shall find the calm level of public opinion below the storm from which the thoughts of a mighty people are to be measured, and by which their final action will be determined. Not here in this brilliant circle, where fifteen thousand men and women are assembled, is the destiny of the Republic to be decreed; not here, where I see the enthusi-

astic faces of seven hundred and fifty-six delegates, waiting to cast their votes into the urn and determine the choice of their party; but by four million Republican firesides, where the thoughtful fathers, with wives and children about them, with calm thoughts inspired by love of home and love of country, with the history of the past, the hopes of the future, and the knowledge of the great men who have adorned and blessed our nation in days gone by,—there God prepares the verdict that shall determine the wisdom of our work to-night. Not in Chicago, in the heat of June, but in the sober quiet that comes between now and November, in the silence of deliberate judgment, will this great question be settled. Let us aid them to-night. But now, gentlemen of the convention, what do we want? [a voice, "Garfield."] Bear with me a moment. Hear me for this cause, and for a moment be silent that you may hear. Twenty-five years ago this Republic was wearing a triple chain of bondage. Long familiarity with the traffic in the body and souls of men had paralyzed the consciences of a majority of our people. The baleful doctrine of state sovereignty had shocked and weakened the noblest and most beneficent forms of the National Government, and the grasping power of slavery was seizing the

virgin territories of the west, and dragging them into the den of eternal bondage. At that crisis the Republican party was born. It drew its first inspiration from the fire of liberty which God has planted in every man's heart, and which all the powers of ignorance and tyranny can never wholly extinguish. The Republican party came to deliver and save the Republic. It entered the arena when beleaguered and assailed territories were struggling for freedom, and drew around them the sacred circle of liberty, which the demon of slavery has never dared to cross. It made them free forever.

Strengthened by its victory on the frontier, that young party, under the leadership of that great man, who on this spot twenty years ago was made its leader, entered the national capitol and assumed the high duties of the Government. The light which shone from its banner dispelled the darkness in which slavery had enshrouded the capitol, and melted the shackles of every slave, and consumed in the fire of liberty every slave pen within the shadow of the capitol. Our national industries, by an impoverishing policy, were themselves prostrated, and the streams of revenue flowed in such feeble currents that the treasury itself was well-nigh empty. The money of the people was the wretched notes of two thousand uncontrolled and irresponsible state bank corporations, which were filling the country with a circulation that poisoned, rather than sustained the life of business.

The Republican party changed all this. It abolished the babel of confusion, and gave the country a currency as national as its flag, based upon the sacred faith of the people. It threw its protecting arm around our great industries, and they stood erect as with new life. It filled with the spirit of true nationality all the great functions of

the government. It confronted a rebellion of unexampled magnitude, with a slavery behind it, and, under God, fought the final battle of liberty until victory was won. Then, after the storms of battle, were heard the sweet, calm words of peace uttered by the conquering nation, and saying to the conquered foe that lay prostrate at its feet, "This is our only revenge, that you join us in lifting to the serene firmament of the Constitution, to shine like stars forever and ever, the immortal principles of truth and justice, that all men, white or black, shall be free and stand equal before the law." Then came the questions of reconstruction, the public debt, and the public faith. In the settlement of these questions the Republican party has completed its twenty-five years of glorious existence, and it has sent us here to prepare it for another lustrum of duty and of victory. How shall we do this great work? We cannot do it, my friends, by assailing our Republican brethren. God forbid that I should say one word to cast a shadow upon any name on the roll of our heroes. This coming fight is our Thermopylae. We are standing upon a narrow isthmus. If our Spartan hosts are united, we can stand all the Persians that the Xerxes of Democracy can bring against us. Let us hold our ground for this one year, for the stars in their courses fight for us in the future. The census to be taken this year will bring reinforcements and continued power. But, in order to win the victory now, we want the vote of every Republican, of every Grant Republican in America, of every Blaine man and every anti-Blaine man. The vote of every follower of every candidate is needed, is needed to make our success certain; therefore, I say, gentlemen and brethren, we are here to take calm counsel together, and inquire what we shall do. [A voice, "Nominate Garfield." Great applause.]



We want a man whose life and opinions embody all the achievements of which I have spoken. We want a man who, standing on a mountain height, sees all the achievements of our past history, and carries in his heart the memory of all its glorious deeds, and who, looking forward, prepares to meet the labor and the dangers to come. We want one who will act in no spirit of unkindness towards those we lately met in battle. The Republican party offers to our brethren of the South the olive branch of peace, and wishes them to return to brotherhood, on this supreme condition, that it shall be admitted, forever and forevermore, that, in the war for the Union, we were right and they were wrong. On that supreme condition, we meet them as brethren, and on no other. We ask them to share with us the blessings and honors of this great Republic.

Now, gentlemen, not to weary you, I am about to present a name for your consideration—the name of a man who was the comrade and associate and friend of nearly all those noble dead, whose faces look down upon us from these walls to-night; a man who began his career of public service twenty-five years ago, whose first duty was courageously done in the days of peril on the plains of Kansas, when the first red drops of that bloody shower began to fall, which finally swelled into the deluge of war. He bravely stood by young Kansas then, and, returning to his duty in the National Legislature, through all subsequent time, his pathway has been marked by labors performed in every department of legislation. You ask for his monuments. I point you to twenty-five years of national statutes. Not one great beneficent statute has been placed in our statute books without his intelligent and powerful aid. He aided these men to formulate the laws that raised our

great armies, and carried us through the war. His hand was seen in the workmanship of those statutes that restored and brought back the unity and married calm of the States. His hand was in all that great legislation that created the war currency, and in a still greater work, that redeemed the promises of the Government, and made the currency equal to gold. And, when at last called from the halls of legislation into a high executive office, he displayed that experience, intelligence, firmness, and poise of character which has carried us through a stormy period of three years. With one-half the public press crying "crucify him," and a hostile Congress seeking to prevent success, in all this he remained unmoved until victory crowned him. The great fiscal affairs of the nation, and the great business interests of the country, he has guarded and preserved, while executing the law of resumption, and effecting its object without a jar, and against the false prophecies of one-half of the press and all the Democracy of this continent. He has shown himself able to meet with calmness the great emergencies of the Government for twenty-five years. He has trodden the perilous heights of public duty, and against all the shafts of malice has borne his breast unharmed. He has stood in the blaze of "that fierce light that beats against the throne," but its fiercest ray has found no flaw in his armor, no stain on his shield. I do not present him as a better Republican, or as a better man than thousands of others we honor, but I present him for your deliberate consideration. I nominate John Sherman, of Ohio.

#### INAUGURAL ADDRESS.

*Delivered March 4, 1881.*

FELLOW CITIZENS: We stand to-day upon an eminence which overlooks a hun-

dred years of national life—a century crowded with perils, but crowned with the triumphs of liberty and love. Before continuing our onward march, let us pause on this height for a moment, to strengthen our faith and renew our hope, by a glance at the pathway along which our people have traveled. It is now three days more than 100 years since the adoption of the first written Constitution of the United States, the articles of confederation and of perpetual union. The new Republic was then beset with danger on every hand. It had not conquered a place in the family of nations. The decisive battle of the war for independence, whose centennial anniversary will soon be gratefully celebrated at Yorktown, had not yet been fought. The colonists were struggling, not only against the armies of Great Britain, but against the settled opinions of mankind, for the world did not believe that the supreme authority of government could be safely intrusted to the guardianship of the people themselves. We cannot overestimate the fervent love of liberty, the intelligent courage, and saving common sense, with which our fathers made the great experiment of self-government. When they found, after a short time, that the confederacy of States was too weak to meet the necessities of a vigorous and expanding Republic, they boldly set it aside, and, in its stead, established a national Union, founded directly upon the will of the people, and endowed it with future powers of self-preservation, and with ample authority for the accomplishment of its great objects. Under this Constitution the boundaries of freedom have been enlarged, the foundations of order and peace have been strengthened, and the growth, in all the better elements of national life, has vindicated the wisdom of the founders, and given new hope to their

descendants. Under this Constitution our people long ago made themselves safe against danger from without, and secured for their marines and flag an equality of rights on all the seas. Under this Constitution twenty-five States have been added to the Union, with constitutions and laws, framed and enforced by their own citizens, to secure the manifold blessings of local and self government. The jurisdiction of this Constitution now covers an area fifty times greater than that of the original thirteen States, and a population twenty times greater than that of 1780. The supreme trial of the Constitution came at last, under the tremendous pressure of civil war. We, ourselves, are witnesses that the Union emerged from the blood and fire of that conflict, purified and made stronger for all the beneficent purposes of good government, and now, at the close of this first century of growth, with inspirations of its history in their hearts, our people have lately reviewed the condition of the Nation, passed judgment upon the conduct and opinions of the political parties, and have registered their will concerning the future administration of government. To interpret and execute that will, in accordance with the Constitution, is the paramount duty of the Executive.

Even from this brief review, it is manifest that the Nation is resolutely facing to the front, resolved to employ its best energies in developing the great possibilities of the future. Sacredly preserving whatever has been gained to liberty and good government during the century, our people are determined to leave behind them all those bitter controversies, concerning things which have been irrevocably settled, and the further discussion of which can only stir up strife, and delay the onward march. The supremacy of the Nation and its laws should be no

longer a subject of debate. That discussion, which for half a century threatened the existence of the Union, was closed at last in the high court of war, by a decree from which there is no appeal, that the Constitution and laws made in pursuance thereof, shall continue to be the supreme law of the land, binding alike upon the States and upon the people. This decree does not disturb the autonomy of the States, nor interfere with any of their necessary rules of local self-government, but it does fix and establish the permanent supremacy of the Union. The will of the Nation, speaking with the voice of battle, and through the amended Constitution, has fulfilled the great promise of 1776, by proclaiming, "Liberty throughout the land to all the inhabitants thereof."

The elevation of the negro race from slavery to the full rights of citizenship, is the most important political change we have known since the adoption of the constitution of 1787. No thoughtful man can fail to appreciate its beneficent effect upon our institutions and people. It has freed us from the perpetual danger of war and dissolution. It has added immensely to the moral and industrial forces of our people. It has liberated the master, as well as the slave, from the relation which wronged and enfeebled both. It has surrendered to their own guardianship the manhood of more than 5,000,000 people, and has opened to each one of them a career of freedom and usefulness; it has given new inspiration to the power of self-help in both races, by making labor more honorable to one, and more necessary to the other. The influence of this force will grow greater and bear richer fruit with coming years. No doubt the great change has caused serious disturbance to our Southern community. This is to be deplored, though it was unavoidable; but those who resisted the change should remember that, under our

institutions, there was no middle ground for the negro race between slavery and equal citizenship. There can be no permanent disfranchised peasantry in the United States. Freedom can never yield its fullness of blessings as long as law, or its administration, places the smallest obstacle in the pathway of any virtuous citizen. The emancipated race has already made remarkable progress. With unquestioning devotion to the Union, with a patience and gentleness not born of fear, they have "followed the light as God gave them to see the light." They are rapidly laying the material foundations for self-support, widening the circle of intelligence, and beginning to enjoy the blessings that gather around the homes of the industrious poor. They deserve the generous encouragement of all good men. So far as my authority can lawfully extend, they shall enjoy the full and equal protection of the Constitution and laws.

The free enjoyment of equal suffrage is still in question, and a frank statement of the issue may aid its solution. It is alleged that in many communities negro citizens are practically denied the freedom of the ballot. In so far as the truth of this allegation is admitted, it is answered that in many places honest local government is impossible, if the mass of uneducated negroes are allowed to vote. These are grave allegations. So far as the latter is true, it is the only palliation that can be offered for opposing the freedom of the ballot. A bad local government is certainly a great evil which ought to be prevented, but to violate the freedom and sanctity of suffrage is more than an evil; it is a crime, which, if persisted in, will destroy the Government itself. Suicide is not a remedy. If in other lands it be high treason to compass the death of the King, it should be counted no less a crime here, to strangle our

sovereign power, and stifle its voice. It has been said that unsettled questions have no pity for the repose of nations; it should be said, with the utmost emphasis, that this question of suffrage will never give repose or safety to the States or to the Nation, until each, within its own jurisdiction, makes and keeps the ballot free and pure by the strong sanctions of law.

But the danger which arises from ignorance in the voter cannot be denied. It covers a field far wider than that of negro suffrage, and the present condition of that race. It is a danger that lurks and hides in the courses and fountains of power in every State. We have no standard by which to measure the disaster that may be brought upon us by ignorance and vice in citizens, when joined to corruption and fraud in suffrage. The voters of the Union, who make and unmake constitutions, and upon whose will hangs the destiny of our governments, can transmit their supreme authority to no successor, save the coming generation of voters, who are sole heirs of our sovereign powers. If that generation comes to its inheritance blinded by ignorance and corrupted by vice, the fall of the Republic will be certain and remediless. The census has already sounded the alarm in appalling figures, which mark how dangerously high the tide of illiteracy has risen among our voters and their children. To the South the question is of supreme importance, but the responsibility for the existence of slavery did not rest on the South alone. The Nation itself is responsible for the extension of suffrage, and is under special obligations to aid in removing the illiteracy which it has added to the voting population of the North and South alike. There is but one remedy. All the constitutional power of the Nation and of the States, and all the volunteer

forces of the people should be summoned to meet this danger by the saving influence of universal education.

It is a high privilege and sacred duty of those now living to educate their successors, and fit them by intelligence and virtue for the inheritance which awaits them in this beneficent work. Sections and races should be forgotten, and partisanship should be unknown. Let our people find a new meaning in the divine oracle, which declares that "a little child shall lead them." For our little children will soon control the destinies of the Republic.

My countrymen, we do not now differ in our judgment concerning the controversies of past generations, and fifty years hence our children will not be divided in their opinions concerning our controversies. They will surely bless their fathers and their fathers' God that the Union was preserved, that slavery was overthrown, and that both races were made equal before the law. We may hasten or we may retard, but we cannot prevent the final reconciliation. Is it not possible for us now to make a truce with time, by anticipating and accepting its inevitable verdicts? Enterprises of the highest importance to our moral and material well-being invite us, and offer ample scope for the employment of our best powers. Let all our people, leaving behind them the battle-fields of dead issues, move forward, and, in the strength of liberty and a restored Union, win the grander victories of peace.

The prosperity which now prevails is without parallel in our history. Fruitful seasons have done much to secure it, but they have not done all.

The preservation of the public credit, and the resumption of specie payments, so successfully attained by the administration of my predecessors, has enabled our people to secure the blessings which the seasons brought. By

the experience of commercial nations in all ages, it has been found that gold and silver afford the only safe foundation for a monetary system. Confusion has recently been created by variations in the relative value of the two metals, but I confidently believe that arrangements can be made between the leading commercial nations, which will secure the general use of both metals. Congress should provide that compulsory coinage of silver now required by law may not disturb our monetary system by driving either metal out of circulation. If possible, such adjustment should be made, that the purchasing power of every coined dollar will be exactly equal to its debt-paying power in the markets of the world. The chief duty of the National Government, in connection with the currency of the country, is to coin and declare its value. Grave doubts have been entertained whether Congress is authorized, by the constitution, to make any form of paper money legal tender. The present issue of United States notes has been sustained by the necessities of war, but such paper should depend for its value and currency upon its convenience in use and its prompt redemption in coin at the will of a holder, and not upon its compulsory circulation. These notes are not money, but promises to pay money. If holders demand it, the promise should be kept.

The refunding of the national debt, at a lower rate of interest, should be accomplished without compelling the withdrawal of the national bank notes, and thus disturbing the business of the country. I venture to refer to the position I have occupied on financial questions, during my long service in Congress, and to say that time and experience have strengthened the opinions I have so often expressed on these subjects. The finances of the government shall suffer no detriment which it may be

possible for my administration to prevent.

The interests of agriculture deserve more attention from the government than they have yet received. The farms of the United States afford homes and employment for more than one-half the people, and furnish much the largest part of all our exports. As the government lights our coasts for the protection of mariners and for the benefit of commerce, so it should give to the tillers of the soil the lights of practical science and experience.

Our manufacturers are rapidly making us industrially independent, and are opening to capital and labor new and profitable fields of employment. This steady and healthy growth should still be maintained.

Our facilities for transportation should be promoted by the continued improvement of our harbors and great interior water-ways, and by the increase of our tonnage on the ocean. The development of the world's commerce has led to an urgent demand for shortening the great sea-voyage around Cape Horn, by constructing ship canals or railways across the isthmus which unites the two continents. Various plans to this end have been suggested, but none of them have been sufficiently matured to warrant the United States extending pecuniary aid. The subject is one which will immediately engage the attention of the government, with a view to thorough protection to American interests. We will urge no narrow policy, nor seek peculiar or exclusive privileges in any commercial route; but, in the language of my predecessors, I believe it is to be "the right and duty of the United States to assert and maintain such supervision and authority over any inter-oceanic canal across the isthmus that connects North and South America, as will protect our national interests."

The Constitution guarantees absolute re-

ligious freedom. Congress is also prohibited from making any law respecting the establishment of religion, or prohibiting the free exercise thereof. The Territories of the United States are subject to the direct legislative authority of Congress, and hence the general government is responsible for any violation of the Constitution in any of them. It is, therefore, a reproach to the government that in the most populous of the Territories the constitutional guarantee is not enjoyed by the people, and the authority of Congress is set at naught. The Mormon Church not only offends the moral sense of mankind by sanctioning polygamy, but prevents the administration of justice through the ordinary instrumentalities of law. In my judgment, it is the duty of Congress, while respecting to the utmost the conscientious convictions and religious scruples of every citizen, to prohibit, within its jurisdiction, all criminal practices, especially of that class which destroy family relations, and endanger social order; nor can any ecclesiastical organization be safely permitted to usurp in the smallest degree the functions and powers of the National Government.

The civil service can never be placed on a satisfactory basis until it is regulated by law. For the good of the service itself, for the protection of those who are intrusted with the appointing power, against the waste of time and the obstruction to public business caused by inordinate pressure for place, and for the protection of incumbents against

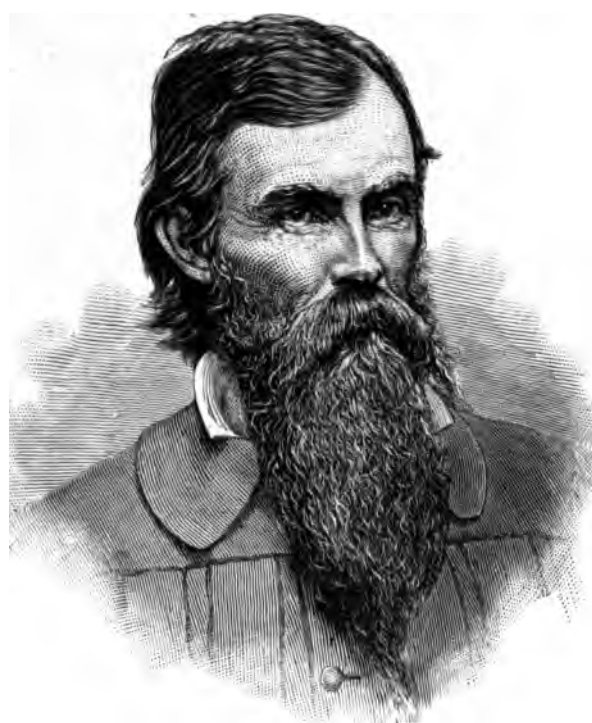
intrigue and wrong, I shall, at the proper time, ask Congress to fix the tenure of minor offices of the several Executive Departments, and prescribe the grounds upon which removals shall be made during the terms for which the incumbents have been appointed.

Finally, acting always within the authority and limitations of the Constitution, invading neither the rights of States nor the reserved rights of the people, it will be the purpose of my administration to maintain authority, and in all places within its jurisdiction, to enforce obedience to all the laws of the Union; in the interest of the people, to demand a rigid economy in all the expenditures of the Government, and to require honest and faithful services of all the executive officers, remembering that offices were created, not for the benefit of incumbents or their supporters, but for the service of the government.

And now, fellow-citizens, I am about to assume the great trust which you have committed to my hands. I appeal to you for that earnest and thoughtful support which makes this government, in fact, as it is in law—a government of the people. I shall greatly rely upon the wisdom and patriotism of Congress, and of those who may share with me the responsibilities and duties of the administration; and, above all, upon our efforts to promote the welfare of this great people and their government, I reverently invoke the support and blessing of Almighty God.







WILLIAM MAHONE.

ENGRAVED FOR DRAYTON AND GOSWORTHY, FAIRBANKS, PALMER & CO., PUBLISHERS.



## WILLIAM MAHONE.

**M**AN'S importance is not always measured by his size. Though the smallest man in the Senate, yet Mr. Mahone's influence and vote have decided a large portion of senatorial work during the short time he has been a member of that body. He is a native of Virginia, and about 52 years of age. He is largely a self-made man; was educated chiefly in the Virginia Military Institute, on a scholarship won in a competitive examination. After leaving school he began work as chainman in a company of railroad engineers, and worked his way up in the railroad business until he reached the position of President of a company, and was at one time at the head of a system reaching from Norfolk to the Mississippi. During the war he was a General in the Confederate service, noted for his judgment, sagacity, and executive ability. He commanded a division in the army of General Lee, was prominent in the defense of Petersburg, and was present on the field of Lee's surrender, with his command in the best condition and spirit of any in

the army. When he surrendered, he accepted the results of the war, and devoted his energies to the restoration of his State to the condition of prosperity and comfort enjoyed before the ravages of contending armies had desolated her fields. When the regular Democratic party of the state, in 1869, denounced the amendments to the constitution, and the reconstruction measures, Mr. Mahone was found at the head of a movement to thwart the designs of the party leaders, and to place the State in a condition to profit by peace, and the enjoyment of friendly relations with the general government. The movement was apparently successful, and Mahone returned to his railroading. The party leaders were not to be balked so easily. They regained control of the reins of government, repudiated the pledges that had been made to the colored citizens, and made war upon Mahone and his associates, and succeeded in depriving him of his railroad position after the panic of 1873. Mr. Mahone returned to politics, led in the reorganization of the party of reform, and,

after various disappointments swept the State in 1880, was himself elected to the United States Senate, and had the pleasure of securing the election of a friend as his colleague in that body. The party, headed by Mr. Mahone, has been termed Repudiators. It is nothing but fair to take their own statement of their position from the State platform: "We maintain that this measure recognizes the just debt of Virginia, in this, that it assumes two-thirds of money

Virginia borrowed, and sets aside the other third to West Virginia, to be dealt with in her own way, and at her own pleasure." The party pledges itself to secure to the people of the state a free ballot and fair count; to accept the amendments to the constitution and reconstruction measures, and to elevate Virginia above the condition of any other Southern State. Mr. Mahone received another emphatic endorsement by a sweeping victory at the polls, November 7, 1882.

### REPLY TO BEN. HILL

*Mr. Mahone's Speech, delivered at the Extra Session of the United States Senate, March 28, 1881.*

MR. PRESIDENT: My profound respect for the wisdom and experience of my seniors in this Chamber compels me to renew expression of the reluctance with which I so soon intrude upon its deliberations. Senators and the country will concede that, to this seeming forwardness, I have been provoked.

If I do not challenge generous consideration from those who would appear to have found pleasure in their unjustifiable assaults, I do not doubt that I shall command the respect of the brave and independent here, as I know I shall command that of my own people. I shall not complain of the intolerance and indirection which have characterized the allusions of some Senators to myself. Doubtless they comport entirely with their own sense of manly deportment and senatorial dignity,

however little they do with mine. Virginia is accustomed to meet occasions where the independent spirit of the Anglo-Saxon is required to assert itself; Virginia has ever met, with fortitude and dignity, every duty that destiny has imposed, always, however, with much contempt for small party tactics where principles were involved to which her faith and her honor were committed.

With absolute confidence in my loyalty to her, and my devotion to every interest of her people, I shall not relax my purpose to repel every impeachment of the constituency which sent me here, with clearly defined duties, which they and I comprehend. I was elected to the *Senate* of the United States to do *their* will, not to a *caucus* to do *its* petty bidding. Vir-

ginia earned her title of the Old Dominion by the proud and independent action of her own people, by the loyalty of her sons to the instincts of independence, without help at the hands of those who would now interfere with her affairs.

However feebly I may assert that spirit, against the gratuitous and hypocritical concern for her of strangers to her trials, her sacrifices, and her will, I feel that the spirit of my people inspires me, when I scornfully repel for them, and for myself, ungracious attempts to instruct a Virginia Senator as to his duty to them and to himself. Senators should learn to deal with *their* constituencies, while I answer to *mine*.

To him who would insinuate that my action in respect to the organization of the committees of this body, and the proposed election of its officers, has been governed or controlled by impure considerations—and I am loth to believe that any honorable Senator has so intended—in the language of another, I say:

"If thou saidst I am not peer  
To any lord in Scotland here,  
Lowland or highland, far or near,  
Lord Angus, thou hast lied."

And now, Mr. President, permit me to say that Senators can no more realize my regret, than they can measure my amazement, that my colleague should have felt it incumbent upon him to join the assaulting column in this Chamber. He first introduces the consideration of my political consistency, and he next introduces me, with the eighty-odd thousand of his fellow-citizens who sent me here, to this honorable body as a repudiator of public obligations. The sense of justice of fellow Senators, renders it unnecessary for me to apologize for noticing my colleague's criticisms on the one hand, and his perversions on the other. However much he and his friends may endeavor, by the chop-logic of the attorney,

to demonstrate what I ought to be, I know, by my convictions and by my sense of duty, what I am. In this particular, I have largely the advantage of my colleague; for, if I take him by his record, diminutive as it is, he neither knows what he was, what he is, or what duty he came here to perform. A very brief recital of Virginia political history, covering but a decade, will give a clear view of the Virginia situation as it is represented on this floor. My colleague gave the first page, and then, like the lazy, want school-boy, skipped many pages, or, like the shifty lawyer, read only so much of the authority as suited his case. I am duly grateful to him for the small meed of praise he would deal out to me, for the humble part I bore in the great liberal movement of 1869, which was undertaken to return our State to her normal condition in the Union.

I am the more grateful, because the organs of the faction he represents here have recently published columns, to prove that I was breathed into political existence subsequent to that momentous period. Not being sworn, my colleague thought it was sufficient for him to tell the truth, without the usual obligation to tell the *whole* truth. It is now my privilege, as well as duty, to supply all deficiencies. The views I entertained then, I still adhere to, and though, as far as my information goes, we had no material assistance from him in that severe and trying ordeal of 1869, I do know that, after his election to this body, he confessed himself in entire accord with all that had been done by Virginia, as a condition precedent to her restoration, and with the zeal of a new convert, expressed the hope that other States of the Union, without the same propelling cause, should do likewise. In a letter addressed to the then governor of Virginia (Walker), he wrote as follows:

JOHNSON TO GOVERNOR WALKER IN 1869.

"Believing fully, not only, that we in Virginia could not prosper, but that our continued exclusion from the Union interfered with the business of the whole country, I have been anxious for an early compliance with the reconstruction laws, and that the State should itself inaugurate some movement, similar to that which resulted in your election, for the purpose, and not wait, like Micawber, "for something to turn up."

\* \* \* \* \*

The fifteenth amendment, which I trust will soon be adopted by States enough to make it a part of the Constitution of the United States, will end a question which has agitated the country for half a century. I entirely approve of the principles of that amendment, and as we have invested the freedman with the right to vote, let us give him a fair opportunity to vote understandingly. He has civil rights, and it is our interest he should know their value.

\* \* \* \* \*

That we are apparently so near to the consummation of reconstruction, we are greatly indebted to President Grant's kind offices. The State was in a dilemma; it wanted a constitution; but the one made for it has at least two very objectionable features. We felt that we were suffering in all our material interests by staying out of the Union, and yet to go in, under the Constitution with all its provisions would have been worse."

The Gordian knot was happily cut by the President's first message to Congress, and the prompt response of that body. Up to this time the conduct of the administration has been liberal, and if the same policy is pursued hereafter, it ought to have the hearty support of this State. If we cast dead issues behind us, and look only to that line of conduct which shall restore quiet

and confidence, and encourage enterprise and industry, we shall even see the country richer and more prosperous than it has ever been.

This movement, in 1869, accomplished the restoration of our State under the expurgated constitution, and gave us representation here in the persons of my colleague and ex-Senator Lewis. We were relieved of military government, became rehabilitated in our sovereignty, with entire control of our local autonomy. Thus, for a period, Virginia seemed to be enjoying the full freedom of her long-deferred hope for peace.

In the curious panoramic exhibition of my colleague, I next appear as a candidate for governor in 1877. To be a candidate in Virginia, is a privilege which every qualified voter may constitutionally exercise, and in that year there were three prominent candidates, other than those named by the Senator. Two of them had been major-generals, and one a brigadier-general. What an omission! Shades of departed glory defend us! when a United States Senator, of the Bourbon persuasion, can omit imposing titles, in detailing events with which they were intimately associated. 'Tis true, I was not nominated, lacking forty votes of a certain majority of a convention composed of over fourteen hundred delegates, against a combination of five candidates, one of whom my colleague preferred; that preference, perhaps, being based upon motives as unselfish as are usual in veteran politicians and office-holders.

Mr. President, I can scarcely hope, in the presence of this body, where my colleague has served for many years, and where the altitude of his statesmanship frowns contemptuously down upon all who would aspire to reach its summit, to attain the awful diffidence with which I should undertake to correct any of his statements. He

is one of the conscript fathers of the Senate, old in all its ways and usages; and long absence from his constituency, and perpetual service to the national Democratic party, in helping to organize its numerous defects, make him forgetful of recent events in Virginia. Hence the necessity of my attempting to inform him as to certain matters, of recent history, at home.

"The next event," says my colleague, "was that the Readjusters separated themselves from the *Democratic* party;" and, after treating this at some length, he says: "This brings us down to what is called Mozart Hall convention," in which, he adds, "I spoke of the *Conservative* party, as though I belonged to it."

Mr. President, I confess my inability to understand all this curious mixture of the odds and ends of my colleague's scrap-book. He parades his facts in curiously-contrived array. He empties his ill-assorted jewels of information, and "chunks of wisdom," and seems to rely upon Senators to give them that consecutive arrangement, as to fact and date, which they have, possibly, in his own great mind. But, sir, the fact is, there was no remarkable incident in Virginia politics, between the election of 1877 and 1879, the month of February of the latter year being the date of the assembling of the Mozart Hall convention. Certainly, until February, 1879, there was no change in the status of parties in Virginia, within that period. There was no organization of Readjusters until February, 1879, and there was no *declared* Democratic party until 1880.

This brings me, Mr. President, to a period when I propose to do more than follow my colleague in his half-way candid, and nearly always inaccurate, statement. It is at this juncture, he says, that Mr. Riddleberger and I are so much identified that he cannot separate us. It is at this point the

organization of the Readjusters begins; and it is at this point, he appears to seek to make an impression, wholly unwarranted, by any act of the Readjusters, in Virginia. It is at this point, too, Mr. President, that I am constrained, by a sense of duty to my people, my State, and myself, to treat the question of our State debt, as it presents itself in Virginia. In doing this, I wish it distinctly understood that I hold this to be a matter belonging exclusively to the State of Virginia, and I should repel any Federal interference with this, as I would with any other question of mere State concern. I shall presume upon the indulgence of Senators, because they have heard but one side, and that more than once, and I know they will be willing to hear a defense of Virginia against unjust attacks from those who ought to be her defenders.

Sir, there is not a fact upon which to base any one of the statements or arguments of my colleague. Instead of the Mozart Hall convention being held to effect a repeal of an irrepealable contract, it was a body of people, assembled on a call of members of the General Assembly, opposed to what is known in Virginia as the "brokers' bill." They assembled before that bill had passed either House of the General Assembly, and, coming fresh from the people, expressed their unqualified disapproval of that measure. It was apparent the measure was to pass, and organized opposition began. But, Mr. President, this is neither the beginning, nor the end, of this question. It was in 1871 that the first funding bill was enacted, and this we know in Virginia as the first contract.

I will not go into the details of this measure, as I shall ask the clerk to read a review, of all the Virginia funding acts, before concluding my remarks. It is my purpose, now, only to notice the speeches

of Senators, notably that of my colleague, in this Chamber. It will be news to Senators to hear, to-day, that the Readjusters never repealed either of the funding contracts. That enacted, and only partially executed, in 1866-67, was in effect repealed by the Assembly which passed it, and the work of repeal was consummated by the Legislature that enacted the more obnoxious measure of 1871. This, in turn, was repealed by the Assembly of 1872, the propounder of the repeal measure being the present lieutenant-governor of the State, subsequently in full fellowship with the alleged debt-payers. Indeed, this measure was so obnoxious that Governor Walker, who was conceded to be its author, subsequently urged that the Federal Government should assume the debts of the Southern States.

Mr. President, I might pause to inquire if that is a part of the doctrine of my colleague, and the Senators who co-operate with him, when they stand here to represent the party for which Governor Walker then spoke, the pretended debt-payers of Virginia? It was this repeal bill which the Virginia Court of Appeals held to be unconstitutional, and here the matter rested, until the State had accumulated interest arrears to over five million dollars, beside diverting one and a half million dollars, which was dedicated by the constitution, to the public free schools.

In 1877, what is known as the Barbour bill was proposed and passed, not a few of the latter-day self-styled debt-payers being among its most zealous supporters. Although this did not repeal in terms the original funding bill, it was, nevertheless, vetoed by the governor.

Such was our condition at the succeeding election—schools reduced fifty per cent., length of sessions abridged, asylums sustained by money borrowed from the banks—after exhausting every possible expedient, even to a

reduction of judicial salaries, that a Legislature was returned, pledged to a resettlement of this debt.

That settlement came in the form of the brokers' bill, for which my colleague stands at home and here, the champion, aided and abetted by distinguished gentlemen on this floor. I commend the virtuous Democracy of this Chamber to read that bill, and then tell this Senate, whether there ever was a more undemocratic measure than the bill propounded in Virginia, by the party whose cause they espouse.

That settlement came in the form of the broker's bill, as I have said, and this was the last repeal of the original contract. Yet, my colleague would say, the Readjusters of to-day disregard the court decisions. Surely, he has not forgotten that he was upon the hustings in Virginia, advocating each of the successive measures, repealing the "irrepealable" contract, while, in every instance, the Readjusters proper opposed the new measure.

But, here again, I am called upon to answer the charge of personal inconsistency. My colleague cannot ascertain that I opposed the funding scheme of 1871—a measure, which, I assert, without the fear of contradiction, not only repudiated, but forcibly repudiated, what my colleague understands to be one-third of the debt of Virginia. I suggest to my fellow-Senators, on the opposite side, to take care of that contamination of which they have warned the country, in respect to the Readjusters of Virginia.

My colleague adverted to the *Richmond Whig*, and proclaimed it as my mouthpiece. Mr. President, nobody speaks for me; I speak for myself. Why not have ascertained, from the same source, how I stood on the funding bill of 1871? Senators will not find that I ever supported the measure of 1871.

Passing over what appears in my colleague's speech as extracts from newspapers, to whose

misstatements he has contributed a full share, I come now to notice his animadversions on the Riddleberger bill. If his criticisms were based on fact, and a proper understanding of that measure, they would be unanswerable. He says that the "Riddleberger bill" has been substantially pronounced unconstitutional, by the Supreme Court of the United States. I ask him in what particular? Is it in this—that it does not recognize the interest that accrued during the war? If so, will my learned colleague inform me upon what principle of right he last summer sustained a measure, which repudiated one-half of the interest that has accrued since the complete restoration of our State? Does he not know that that measure of forcible readjustment absolutely repudiated one-half of the accrued and unfunded interest, while the Riddleberger bill provides for paying it; dollar for dollar? The difference is simply this: that, since 1871, we have denied the right of the creditor to exact war interest, and proposed to pay him all else in full. Our adversaries would, and did, fund that war interest, and proposed to repudiate one-half of that which we are in honor, and in law, bound to pay.

Is it unconstitutional, in that it pays but three per cent.? The only measure ever passed by the Virginia Assembly, to pay as much as four per cent., and the only one under which one-third of the creditors have received a penny of interest, was introduced, and patronized, by Mr. Riddleberger. The first time that our Legislature ever voiced three per cent., was when they passed the brokers' job, the pet scheme of my colleague, so ably re-enforced, in his advocacy of it, on this floor, by distinguished gentlemen on the other side; the Legislature, then, themselves admitting and declaring in the preamble of their bill, that this is all the State can pay for ten years, "without destroying its industries;" and, last winter, every legislator of their party voted to run the three per cent. for the whole time.

Is it unconstitutional, in that it does not exempt the bonds from taxation *forever*, as the brokers' bill attempted to do, a feature peculiar to that measure for paying the debt of Virginia, which my colleague advocates here? If so, I would, respectfully, refer my colleague to his State Constitution, which says, that all property shall be taxed equally, and uniformly; that no one species of property shall be taxed higher than another, and that only such property as is used for religious, educational, and charitable purposes, may be exempt from taxation. My learned colleague, who so unkindly characterized the patron of that bill, as a county court lawyer, cites only *Hartman vs. Greenhow*, as the case which holds this bill unconstitutional. That case decided no principle that this bill infringes. The Riddleberger bill imposes no tax upon bonds, held either in or out of the State. It simply does not exempt any. By what authority, I would ask my colleague, can such a tax be made and collected? He must answer to the party which he undertakes to represent here, for doing an unconstitutional act: to tax bonds of the State of Virginia, held by a non-resident. The Riddleberger bill does not tax them. Whenever the General Assembly, carrying out the Riddleberger bill, shall endeavor to tax bonds held out of the State, it will be time for the Senator to renew the test in the Supreme Court of the United States, and cite the precedent of *Hartman vs. Greenhow*.

Is it the much discussed fourteenth section which is unconstitutional? If so, I would remind my legal colleague that it is a verbatim copy of a statute passed by the State of Tennessee, adjudicated by the Supreme Court of the United States; and, not only held by that high tribunal to be constitutional, but proper legislation, for the protection and maintenance of government. Is it unconstitutional in what is called its force feature? If so, it has precedent

in the bill of '71, which forbade the payment of any interest to a creditor who did not accept a reduction of one-third. It has precedent in the brokers' bill, which provided tax certificates, to compete, at a reduced price, with the receivable coupon, and both of these measures found a hustings advocate in my colleague.

But, he would imply, that our debt was ascertained at a certain sum, in pursuance of the State Constitution, which, he says, was \$29,667,304.76.

Mr. President: if there is any man in the party, which my colleague represents, who agrees with another member of that party in Virginia, as to what the debt of that State is, we have yet to find the concurrence; it is with one leader, this figure, and with another leader, another figure; by one report of their officers, one sum, and then, by another report, of other officers, a different sum. Grant that sum to be the true one; but, let the Senator state that our Constitution recognized no specific sum. It says there shall first be a settlement with West Virginia, which has not yet been had, and commands payment of what Virginia shall owe. That is the language, that is the instruction of the Constitution of Virginia; that, after a settlement with West Virginia, covering one-third of old Virginia's territory, shall have been arrived at by an adjustment of their relative proportions of the public debt, Virginia will provide for her share. Now, I would like the Senators from West Virginia, in this cry against Readjusters as repudiators, to tell the country what answer they have made to their obligation for one-third of the debt contracted by the old Commonwealth of Virginia. Will they tell the country where they have ever made a proposition to pay one stiver of their share of the public debt of that State, to maintain the honor and dignity of their own Commonwealth? Let them answer.

It was the party of my colleague, that repudiated the settlement of 1871 by the passage of

the brokers' bill in 1879, and in turn attempted to repudiate the latter by unanimously endorsing what is known as the "Ross Hamilton bill." I suppose it would not suit my colleague to tell this audience who Ross Hamilton is. Yet, I beg Senators to take notice that the party of my colleague, after a winter spent in the vain effort to find a leader capable of devising means to overthrow the popular will, discovered such, as they supposed, in the person of Ross Hamilton, a colored Republican member of the Legislature from the county of Mecklenburg, and blindly followed him to defeat. Hamilton's bill, which was thus unanimously supported by my colleague's party, not only in effect repealed their pet scheme, the brokers' bill, but all other acts in respect to the public debt of Virginia.

I come now to perform a duty—the most unpleasant in one sense and the most agreeable in another. It is to repel the charge flippantly, I hope inconsiderately, made on this floor, that we are repudiators and our proposed measure dishonorable. To the first I reply that my colleague's party in eight years of administration of our State affairs paid 2 per cent. installments of interest on ten millions of our public debt just six times, or 12 per cent. in all; six times eight would be 48 per cent. Instead of that they paid 12 per cent., and that is debt-paying!

Let this suffice. But when Senators apply the word dishonorable, they do not know either whom or what they characterize. Two things they have endeavored to demonstrate, and one is that I received a majority of the white conservative vote of both branches of the Virginia General Assembly. Proudly do I proclaim the truth of this. Every one of those who voted for me to come to this Chamber, gave an unqualified vote for the Riddleberger bill. Are they dishonorable men? Scornfully do I repel the charge that any one of them is capable of dishonorable action.



Were it true, what a sad commentary it would be upon those honorable gentlemen whom, it is said, I am not representing here. Mr. President, my colleague comes from what we call in Virginia the great Southwest, a noble and prosperous section of Virginia. Fifteen white Conservative counties compose his congressional district, and though the ablest of the orators of my colleague's party canvassed it thoroughly against me, and the views set forth in this measure, but two delegates and no senator of the gentleman's party came to the Legislature. To a man, they supported the Riddleberger bill. Every senator and every delegate from my colleague's own congressional district, save and except two delegates, supported me for the Senate and the Riddleberger bill, as a measure for debt-paying. He would do well to spend a little more time with his constituents!

Whatever our differences on this question, it seems to me those people should have had a defender in him against such foul and slanderous accusations as have been made—that they are dishonorable men. O Shame! where is thy blush? Dishonorable in Virginia, to beg the privilege of paying every dollar she borrowed—that is, her rightful share, instead of not only paying that but also the share of West Virginia—dishonorable to pay every dollar she borrowed, only abating the war interest! Dishonorable, too, in the opinion of the gentlemen who represent States on this floor, and municipalities which have by arbitrary legislation reduced their indebtedness from \$243,000,000 down to \$84,000,000! Dishonorable in Virginia not only to assume her full share of her public obligations, as measured by her territory in this division of it, but offering to tax her people to an extent threatening the destruction of her industrial interests! Is that dishonorable in that people? If so, what have you to say of this tier of Southern States whose public indebtedness, whose plighted faith, whose

sacred obligations—as sacred as are those of my State of Virginia—have been reduced from \$243,000,000 by one or another method of repudiation, upon one or another excuse, down to \$84,000,000, with a reduced interest rate upon the curtailed principal, and only proposing to pay interest in some cases at 2 per cent., and in others 3, and in others 4, on the reduced principal? Is it dishonorable in Virginia to assume \$20,000,000 of the debt of the old State, and then to tax her industries within the verge of endurance to pay on that sum the highest rate of interest? Let Senators who assail unjustly the conduct of Virginia in this respect put their own houses in order.

Oh, Virginia! It was for this you bared your bosom to soldier's tread and horse's hoof. It was for this you laid waste your fields. It was for this you displayed your noble virtues of fortitude and courage, your heroic suffering and sacrifice. It was for this you suffered the dismemberment of your territory, and sent your sons to the field to return to the ruins where were once their homes. It was for this you so reluctantly abandoned your allegiance to a common country, to be the last to make war and the last to surrender. O Ingratitude, thou basest and meanest of crimes!

And now, Mr. President, at the time of my election who constituted my opponents? Already, as you have been advised, another representing distinctly the Bourbon Democracy of Virginia and the so-called Democracy of this Chamber, another representing distinctly the Republican party of Virginia—these were the candidates before the Legislature which elected me to this body. I received not only a majority of the so-called Democratic Readjusters, but of the so-called Republican Readjusters. And now what were the efforts, known there if not here to gentlemen, to defeat me? Were not combinations sought to be made? It is known of all men there at the capital of my State, if not here, that every

influence from whatsoever quarter it could be adduced, whether Democratic or Republican, was brought together at Richmond for the purpose, by combination, of defeating my election, of defeating the sovereign will of the people of that Commonwealth as expressed on the 4th of November, 1879.

There was a Democracy which sought to secure the election of an orthodox, simon-pure, unadulterated Republican, but of that kind called Bourbons in Virginia—a Democracy which was not only willing, but ready and anxious, to send here in the place I have the honor to hold, a Republican, whom they would otherwise profess to despise. What for? For the consideration well known there, that they might elect certain judges and control the State offices, and by that means prevent the disclosures which have subsequently followed, since the Readjusters have gotten possession of the capital. That Democracy which, like Cæsar's wife, would stand "above suspicion," were ready to trade a seat in the United States Senate so that a few county judges might be preserved, that the offices in the capitol at Richmond might be retained in their control; I say in order, perhaps, that the disclosures which have followed the advent of the party I represent might have been longer concealed; moreover, that control of the ballot-box in the State might continue where it had been; so certainly I believe; and all this, by those who professed to represent the party which had declared in national convention for a full vote, a free ballot, and an honest count.

Such were the considerations, such, I say, were the inducements which prompted that Democracy to its efforts to send to this Chamber a Republican beyond question since these many long and weary years. If that is the Democracy that the gentlemen on that side love, I proclaim my inability to co-operate with them.

I supported neither of the candidates for

Congress in my district, and emphatically declared that purpose on more than one public occasion, because one was a candidate of that party, the Bourbon Reactionists, and the other a Bourbon Republican with accommodating views on the debt question.

To obey the behests of the Democratic caucus of this body, whose leadership on this floor, whose representative national authority—the one here and the other elsewhere—have championed the cause of the Bourbon-funder party in Virginia, would be an obsequious surrender of our State policy, and self-condemnation of our independent action.

The desire of our people for cordial relations with all sections of a common country, and the people of all the States of the Union, their devotion to popular education, their efforts for the free enjoyment of a priceless suffrage, and an honest count of ballots, their determination to make Virginia, in the public belief, a desirable home for all men, wherever their birthplace, whatever their opinions; and to open her fields and her mines to enterprise and capital, and to stay the retrograde movement of years, so as to bring her back from the fifteenth in grade to her original position among the first in the sisterhood of States, forbid that my action here should be controlled or influenced by a caucus, whose party has waged war upon my constituency, and where party success is held paramount to what I conceive to be the interests of Virginia, and the welfare of the whole country.

The Readjusters of Virginia have no feeling of hostility, no words of unkindness for the colored man. His freedom has come, and whether by purpose, or by accident, thank God that, among other issues which so long distracted our country, and restrained its growth, was concluded, and, I trust, forever, by the results of the sanguinary struggle between the sections.

I have faith, and it is my earnest hope, that the march of an enlightened civilization, and the progress of human freedom will proceed,

until God's great family shall everywhere enjoy the products of their own labor, and the blessings of civil, political, and religious liberty.

The colored man was loyal to Virginia, in all the days of conflict and devastation which came of the heroic struggle in the war of sections that made her fields historic. By no act of his was either the clash of arms provoked, or freedom secured. He did not solve his duty by consideration of self-interest. Can so much be said of distinguished Democratic statesmen who urged the South to resistance in behalf of principles held to be fundamental? Did they, when the war came, solve their duty on the side of a self-interest? Virginia has not forgot-

ten her abandonment from that quarter, and needs no counsel as to her duty. To me and the people of Virginia, the South, as the phrase goes, is a mere geographical expression, and no longer has political idealization. To the noble intellect of Calhoun, it epitomized a dream of empire. I do not question the grandeur of that hope and aspiration, but it was quenched in blood, and the South of our day has acquiesced in the decision that war has made. Mr. President, I am here to assert that Virginia, the mother of the Union, renews her faith in and devotion to the government that her honored sons aided to construct; and, in furtherance thereof, I propose to give my best ability, and to exert my every energy



## JAMES F. WILSON.

**J**AMES F. WILSON was born in Newark, Licking County, Ohio, October 19, 1828. He was the son of a carpenter, and was left an orphan by the death of his father in 1839. He had made what improvement of his educational privileges was possible before this time, and was, at the age of eleven, called upon to assist his mother in securing a living for herself and three orphan children, of whom he was the oldest. At the age of thirteen he was apprenticed to a harness-maker, and continued in that business until 1851. When not engaged at the bench, he was busily at work cultivating his mind, and fitting himself for a more important sphere of usefulness. While working at his trade he took his first lessons in studying law, which he had determined to make his profession. He took an eager interest in the exciting discussions of those times, and performed his part in school-house debating societies, and laid the foundation for the part he was to take in discussions of the same subjects, at a later day and in a more important position.

He prosecuted his legal studies so diligently that he was admitted to the bar

in 1852, at Newark, Ohio. The same year he married, and the year following turned his face towards the fair promised land of the west, and settled in Fairfield, Iowa, where he still lives. He entered upon the practice of his profession with energy, and built up a fair practice and fairer reputation. He was intimately connected with the politics of his county, and was chiefly instrumental, as chairman of the Whig County Committee, in securing the defeat of the Democrats in 1855.

The year following, though but twenty-eight years old, he was a prominent member of the convention for the revision of the State Constitution, and the next year he was elected a member of the lower house of the State Legislature, and was made chairman of the Committee on Ways and Means. In 1859 he was a member of the State Senate, and served on the Judiciary Committee which revised the code of 1860. When General Curtis resigned his seat in the House of Representatives, in 1861, Mr. Wilson was elected his successor. Upon taking his seat in Congress, he was appointed to a place on the Judiciary Committee—an important post for one so young. By successive re-



JAMES F. WILSON.

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1861  
1862



elections he served in the house until 1869. The last six years he was chairman of the Judiciary Committee.

When it is remembered that during these years much important legislation was made by Congress, and particularly such as came before the committee on which Mr. Wilson served, it is seen how important the position was which he occupied. When the difference between Congress and President Johnson culminated in an attempt to impeach the President, Mr. Wilson was made one of the managers on the part of the house. In 1869 he became one of the government directors of the Union Pacific railroad.

Much credit is due to him for the able manner in which he discharged the duties of that trust, and, by his watchfulness, secured the government against loss in connection with that corporation. He has taken no prominent part in political

matters outside of his own State since 1869, but has been busy in the State, giving his attention to the matters of importance that from time to time have been up for settlement. When the question of striking the word "white" out of the State Constitution was first before the people, he was in favor of it, and cast his vote for it. Though unsuccessful then, he found himself with the majority a few years later, and the measure was carried.

When the Prohibition amendment question was before the people, in 1882, Mr. Wilson was in favor of it, and aided its adoption with his powerful influence. Early in 1882 he was elected to the United States Senate, where his State expects distinguished services from him.

One thing in his career has been quite remarkable, his nominations for important positions have, in nearly every case, been made by acclamation.

## THE TRANSPORTATION PROBLEM.

*Mr. Wilson's Speech, delivered before the Northwestern Convention, at Davenport, Iowa, May 25, 1881.*

MR. PRESIDENT AND GENTLEMEN OF THE CONVENTION: The subject which induced the calling of this convention, is one of great concern to the people of this country. It is more than the construction of a canal, the improvement of our rivers, or the multiplication of our ways of commerce. These are methods. The subject lies behind them all. The need of a

great people in the matter of getting to the world's markets, at a reasonable cost, was the inducement. In short, the transportation problem brought us together.

Great communities rarely become agitated without sufficient cause. They seldom stop short of effecting the object to which that cause has directed their attention. Our people are

profoundly stirred, to-day, by the subject which has brought us together. They feel that there is something wrong with the administration of the transportation system of this country. They believe that it is both too expensive and too unstable. They are convinced that, in both these regards, it can be, and ought to be, reformed. To this end our inquiries are directed. Those whom we represent want transportation for their vast products and wondrously developing business, at reasonable and stable rates. Our attention is directed to waterways, as one of the methods for reaching this much desired end. But this brings us in contact with the general subject of transportation, and, therefore, I am sure that you will indulge me in a somewhat broader discussion of this question, than would seem to be invited by the special purpose mentioned in the call, in pursuance of which, we have come together.

Waterways are the conservators of cheap and stable transportation. Hence, we should maintain those with which nature has provided us, in the highest state of efficiency, and supplement them with such artificial ways, as are needed to effect a complete system, which shall assure us stability and reasonableness in the matter of cost, in getting to the market. Such ways are not the swift ones of commerce in these times of rail service; but they are the maintainers of reasonable rates, and better prices for the producers of things, whose value depends on getting to market. Transportation by rail is swift, and returns are expeditious; but the producer feels that he does not always get his fair share of the results. This tends to prove that it is rarely wise to provide but one way for doing a thing, if two may be had. If but one way has been provided, and fails, there is, at least, loss. But, if two ways are at command, the failure of one will surely demonstrate the wisdom of having provided the other. We have depended so largely upon rail transportation, that we have too much neglected that by

water. Hence, in a certain sense, our superb system of railway service has proven a failure. It has not produced that standard of equity, fairness, reasonableness, and stability, in its practical administration, which the country, of right, had expected. It has done much. It has worked wonders in the development of the country. It may do more, and do it better. It is not to be unjustly dealt with, nor do the people demand any such action. But, it must be brought to a realizing sense of the necessity of doing right in the matter to which I have directed attention. And there is no surer way to bring about this result than by the creation of an efficient water competition. Give us the two ways of getting to market, and we will soon realize that much can be done toward effecting cheap and stable transportation, that ought to be done without such coercion. The result will be a practical confession of judgment, that the most serious complaints of the people are well founded, and should have never existed.

Multiplicity of methods is true conservatism. Our civilization is better than that of earlier periods, because it has greater variety in its means of expression and action. We have magnificent States a thousand miles inland, because of the facilities provided for getting to the seaboard. The marvellous agriculture of these great States could not be, except for our ways of commerce. Every man engaged in that business produces more than he can use. His surplus is wastage of capital, labor, and results, if he be not able to dispose of it. What he cannot consume must reach those who do not produce, or his abundance is poverty, and their unsupplied need is ruin. Transportation is the conservator that steps in here to defend the producer and the consumer. It gives value to the surplus of the former, by placing it where it can supply the need of the latter. This is what has created these superb inland States. This is what has turned the possibilities of this marvel-



ous Western region into the wondrous facts which confront us on every hand. It gives cheap food to the people of Europe, by placing the products of our cheap farms in successful competition with those of the high priced lands of the old world, and maintains the balance of trade in our favor. But transportation is not all of these things. It is the instrument through which they come. It is their servant after they have come. It is not the proprietor of these worshipful empires and their populations, enterprise, abundance, aspirations and civilization. It is not the lord paramount of the estate. It is the creature of the necessities of a resolute people. It was created to do their work, and is entitled to a fair compensation for doing it. This is the rule which applies to all classes of service, in all departments of human employment, except when employer and employed set it aside by making a special contract for themselves, and even such contracts are sometimes void, because in conflict with public policy. Established public policy overrides all efforts to avoid or evade it. Whatever contravenes it, is void, and the courts give no remedy to those who endeavor to infract it. This rule is necessary to the order, welfare, and progress of organized society. All things are subordinate to it. And so, in no case, is public transportation master of the people served, nor proprietor of the purposes and results of the service. It is but one of three parties in interest when its extremest claim is asserted. It cannot act by itself. No one of the three parties is ever absent when transportation is involved. Whoever has studied the economy of commerce will readily comprehend and assent to this fact. A just, and consequently reasonable, distribution of the benefits of transportation between the three parties interested, is the only effective remedy for the evils which too often attend it. No student of the philosophy which enfolds and permeates this subject will hesitate to acquiesce in the correctness of this statement. It

is but a statement of the universally recognized rule of dependency and obligation, which is the paramount law of all well ordered society, limited to a particular case. Let us give a moment's attention to this proposition.

The three parties interested in public transportation are producer, transporter, consumer. The absence of either party destroys the whole case, so far as commerce is concerned. Each being necessary to the others, there should be an equitable adjustment of results. The producer should have a fair price for his product; the transporter a reasonable compensation for his service; the consumer a just and living chance in his purchase. The adjustment of the entire transportation problem should be made on this basis. The party, whose conduct causes the greatest disturbance in the relations, is the second or intermediate one. This occurs oftenest when a people are dependent on a single mode of transportation, and especially when that is by rail. This is why I said at the outset that waterways are the conservators of cheap and stable transportation. The reason for this is that they supply a system of transportation that is independent, open to all, and can't be pooled. Whenever transporters by water pool with those by rail, or combine among themselves at an unreasonably high rate, others are ready to put crafts on the free way, and, by competition, restore an equilibrium between the three parties concerned. Competition is better than law, when it can be had free in its forces and activities. But law is better than injustice, and will certainly be had if the latter do not disappear.

I do not mean to say that pooling is an evil *per se*. It may be put to good uses, and made productive of good results. It is an offensive term always, when applied to transportation. No one ever expects any good to come from it, or from any practice which it may be used to describe. I have often wondered why transporters have not discovered, borrowed, or in-

vented some happier and less offensive term. It smacks of gambling. Whenever it is used, the public think it means a stake played for in a game in which they are always at a disadvantage. And yet it may be used so as to promote most desirable ends. Indeed, it is susceptible of being a check upon the abuse of an element in the problem of transportation, that is regarded with almost universal favor. I mean competition. Many suppose that this needs no check—that the more we have of it, the better. This is not always true. Hence, while pooling is not an evil unmixed with good, competition is not a good unmixed with evil. And though one is a term always execrated, and the other a phrase universally commended, the exact nature of the principle involved in each, is not invariably so perfectly understood as to be clear to the general apprehension. If pooling be used to prevent hurtful competition, and to maintain stability in reasonable rates, and does not go beyond this limit, it is a conservator of public and private interests. If competition is resorted to, for the purpose of destroying unprincipled pooling, or other like practice, it is to be unqualifiedly commended. These are general propositions. Now let me particularize. When pooling is made a means of establishing an arbitrary and unreasonable charge for a given service, it is bad, and deserves to be summarily dealt with, and destroyed. It is then an abuse, beyond justification. It at once destroys the equilibrium between producer, transporter, and consumer. Whatever does this is wrong. Each of these parties is entitled to equal protection. Whenever the transporter maintains an arbitrary and unreasonably high rate by pooling, he perpetrates an outrage upon both the other parties. He would justly complain of them, if they should by law fix an arbitrary and unreasonably low rate for his services. But he has no more right to complain than they. Their respective rights are exactly equal. Production, transpor-

tation, consumption are the three most forceful factors of progress, prosperity, and civilization. When they go hand in hand, contentment accompanies them. When they become severed, unrest, discontent, danger, are abroad in the land. To maintain the former condition, and prevent the latter, should be the purpose and study of every one interested in the order and well-being of society. Society cannot allow the latter predicament to obtain. Therefore, maladministration in transportation excites a demand for regulation by law. And so, if the just equilibrium to which I have referred be not maintained by one means, it will be by another. This is the experience of communities. It is the history of nations. If too long postponed or resisted, the remedy is apt to be harsh, and sometimes unreasonable. But the harshness and unreasonableness are not likely to extend in degree beyond that of the wrongs against which the remedy is provided. The swing of the pendulum is about certain to be equal. But it will swing, unless the clock runs down. When this happens, the clock is worthless. So will the pendulum of a people's activity swing. When they cease forceful action and it stops, the Nation is in decay. We are not in that condition. Our activities are yet in the vigor of youth. Our clock-work is in magnificent action. Our pendulum has a tremendous swing. The aspirations of our people will be realized. Reforms do not stop short of the purpose of the laws which start and direct them. Cheapness, fairness, and justice in transportation will be accomplished. If they come not by the natural laws, that when unobstructed produce them, then will they come through an exercise of that wondrously expansive power, set as a jewel in our Constitution, in whose brilliant light we read the words, "Congress shall have power to regulate commerce among the several States." Unjust pooling for the maintenance of unfair and arbitrary rates, will only hasten the day when a complete statutory remedy will

be established on that constitutional foundation. There is the power, ample, comprehensive, complete, to meet every phase of the inter-state transportation problem. The combined interests of the three parties I have named, constitute commerce. That of the West must go to the sea-board. That of the sea-board must come to the West. This is "commerce among the several States." This is the thing which Congress may regulate. Not in passion, by capricious legislation. Not in injustice, by unsound law. But by such deliberate and considerate action as shall assure that exact justice to the three parties concerned, which, of right, belongs to each. To this end, the public mind of this country is tending. It is the movement of a great people, working out a mighty economic problem, which they will as surely solve as they have others of portentous import in the past. The man who cannot see and understand this, is an inapt student of the philosophy of popular movements.

But what of competition? I have said that competition is not a good unmixed with evil. What is competition? It is defined to be: "The act of seeking, or endeavoring to gain, what another is endeavoring to gain at the same time." This involves the offering of inducements. These may be both proper and improper. If the former, we have right competition. In railway competition we meet with both kinds of inducements. When the first mentioned is resorted to only, the result is beneficial to all concerned. But the last named involves many things as objectionable as pooling. Amongst these things I may mention drawbacks, rebates, favoritisms, discriminations in favor of or against individuals or localities. Each one of these resorts is a violation of correct rules of business. They are departures from the true economic rule of equality. They are generally the result of arbitrary action, and often of the merest caprice. When these things occur, the competition which results is hurtful to the general public

interests, however advantageous it may be to certain individuals or particular localities. Transportation rates should have some standard of stability. And they should be neither too high nor too low. The public good is promoted by fairly remunerative rates. In some of the countries of Europe, I am informed, this doctrine is enforced by governmental regulations which establish both maximum and minimum rates. Railway managements are not allowed to charge either more or less than a reasonably remunerative rate. This is said to work well, for it protects both shippers and transporters by establishing fairness and enforcing stability. It destroys the entire brood of parasites that fasten themselves upon the transportation interests and produce unhealthy competition. Rebates, drawbacks and discriminations are impracticable in a system of healthy and legitimate competition. Each individual and each locality has an equal chance, and this is what each is entitled to. The spasmodic action of our system of railway management could not occur if the true conditions of competition were maintained. The cost of getting to market could be calculated with certainty. Contracts of all kinds involving railway transportation could be made from reliable data. The unjustifiable favoritism, which gives unfair advantages to a few business men at the expense of many, would disappear. The arbitrary discriminations, which foster the interests of one town or city, while destroying those of others, would be unknown. In short, the capricious conduct of managers of transportation lines, which give rise to all the just complaints of individuals and communities affected thereby, would have an end. Bring about a permanent and true competition, and not only will agitation cease, but the real interests of all will be promoted. The people of this country will not stop their endeavors until that end shall have been reached. They have the rightful power to do it, and they will exercise it.

Many communities all over the country are smarting under wrongs which cannot be cured by fine talk, strong argument, or splendid theories. Time and again have communities taxed themselves, both in a public and private way, to secure the benefits of right competition. Provided with one railroad, they found themselves subjected to arbitrary rates for want of a competing line. They have re-taxed themselves to secure a second line. This established, they congratulate themselves, and for a time fair and legitimate competition was afforded them. Then came that capricious competition which ultimately drives the management of the lines to an accommodation. Then came the pool, and arbitrary rates are established as much too high as capricious competition had made them too low. The twice taxed community is in no better condition than it was when a single railroad overburdened its commerce with excessive charges. A third time it taxes itself and secures another line. Now competition becomes sharp again. The old lines refuse to let the new comer into the pool. They are strong and it is weak; but it cuts the rates and takes the business. The pool lines return the cut, and the community rejoices to have this thing go on. But it wakes up some morning to find the aspect changed. The pool has been enlarged and the three fish are swimming in it. The rates are as high as ever. What will that community do? Tax itself again? No; why should it? No relief comes in that way. What will it do? Join the army of discontent, and demand a legislative remedy? And why should it not do this? Can any manager of a railway corporation supply a reason why this should not be?

Take another case. A certain community is provided with two lines of railroad. No pool exists; but, on the contrary, competition has reduced rates to a very low point. Business flourishes in that community, and trade is drawn to it from regions not naturally tributary

to it. Other towns on the respective roads, but not at competing points, have high rates to pay on all their transportation. They know that these high rates are charged against them to make up for losses sustained because of the low rates given to the more favored community. Will they be content to rest under this injustice? Certainly not. They, too, will join the army of discontent. And why should they not? Has the reason yet been invented by managers of transportation with which to stop the mouths of such complainers? It can never be done. The whole thing is wrong, and an appeal to the law-making power is as natural as it is for a man to resent an injury. Not to understand this is sheer stupidity. To understand it, and endeavor to repress it, will only tend to quicken the political forces through which the ultimate remedy will come.

Like cases exist in the business experience of individuals. By the allowance of drawbacks, the granting of special rates, and other means known to the abuses of railway management, a few men, firms, and establishments are made to prosper, while others, engaged in the same business, in the same communities, find themselves utterly unable to compete, unless they pursue their occupations at a loss. This is an iniquity which drives hundreds of business men into the ranks of discontent. They go there, not because they want to, but because there is no choice left them. They know exactly what it is that imposes the injury upon them, and they resent it. It is right that they should. They would be unmindful of their own interests, and those of the community in which they live, if they did not do so. Each case of the kind hastens the day of legal restraint. Every recruit to the ranks of the forces of discontent makes more sure the application of the legislative remedy. And these things come of illegitimate competition. But the corporations are not the only parties at fault here; none of these wrongs exist without two parties being engaged

in them. It is difficult to get men to look at anything from which they expect a personal advantage, from the standpoint of public policy. The immediate and exceptional advantage to the individual is almost certain to close his eyes to that broader view, which takes in the public good. Hence, for the good of all concerned, the promotion of the public welfare, and the establishment of right competition, the whole list of abuses, whether applied to communities or to individuals, should be abolished and forever prohibited.

The expedients to which communities, such as cities, towns, and other localized bodies of people often resort, for the purpose of securing to themselves right competition and reasonable rates of transportation, are almost certain, under the present system of management, to result in failure. Let me illustrate this statement. A town has one railroad entering it. The rates are not satisfactory. The people tax themselves to secure another road. They are successful, and the second road is constructed. The volume of business of the community is not materially increased. One road was ample to render all the service required. Two roads cost just twice as much money as one. The fixed capital involved in the transportation for that town is doubled. This capital expects a return in the form of a reasonable annual dividend. The interest account on bonded indebtedness is twice what it would have been for one road. The operating expenses, the cost of maintaining the corporate organization, and of improving the properties, is doubled. With these conditions controlling the case, it is impossible for that community to have its transportation at as low a rate as it could, or should, be done by one road. Capital, cost, interest, dividends, have all been doubled, and the volume of business has not been materially increased. One road could have done it all, and at far less rates of charges than two can do it. If it had done so, the second road would

not have been thought of. Now, is there not something wrong in the administration of a business that produces such results? And won't that community soon come to understand that there is something wrong, and especially so, if, after all that it has done to protect itself, even at the expense of doubling the cost of its transportation facilities, it finds itself, at last, immersed in a railroad pool, created for the purpose of preventing right competition, and the maintenance of arbitrary rates? Give it the very lowest rates that justice to the owners of the two roads can exact, and still they will not be as low as the community ought to have had from a single road. This is a kind of competition that don't compete. The fact that such a departure from proper practice is so common as to become a general rule, is a reproach to the conceded sagacity of the managers of railway corporations. It is one of the abuses which has swelled the cost of our transportation system beyond what it should be, and, to that extent, enforced higher rates than would have been necessary under a more equitable administration of railway affairs. This is a case in which the people and the railroad companies have co-operated to a certain extent, in the creation of conditions which impose burdens that cannot be wholly disposed of; for all men admit that it is fair to allow railroads to earn enough to pay a just return on the capital invested. Were this not the case, our transportation system would soon become demoralized and pass into decay, to the injury of all concerned.

There is, however, a class of cases in which a like result has been reached, without the co-operation of the people, and without a duplication of railroads. I give you this illustration. A railroad is constructed at a cost of \$10,000,000. It is not only necessary for the company to earn operating expenses, interest on its debt, and proper to declare reasonable dividends to

its shareholders, but it must maintain its property, and perfect it by such improvements as are calculated to carry it forward to the standard of a first-class road. The public, as well as the company, have an interest in having these things done; for the better the road, the safer and more satisfactory will be its service. Upon this proper plan, the company conducts its affairs for the term of ten years. It then has a superb property, excellent in all its conditions and appointments. Its road-bed is perfect, its bridges of the best character, its equipment unsurpassed by any other road. Its service to the public is safe, speedy, and satisfactory. It has come up to this standard, through the steady growth of ten years' existence. The managers take an account for the ten years, and find that for each one they have paid operating expenses, interest on the bonded debt, a reasonable dividend to the shareholders, and expended \$1,000,000 in the substantial betterments and improvements that have placed the property in its satisfactory condition, or for this later purpose \$10,000,000 for the entire term. On this showing they say: "This money was earned by us, and we had a perfect right to divide it among our shareholders as dividends from year to year. Instead of doing so, we have served the public by giving them a better road than we could have done, if we had divided the money. We have administered the affairs of the road justly. Our improvements have given the people a better road, and better service, than we could otherwise have done. This has cost us \$10,000,000 of the money we have earned, so that the road now stands us \$20,000,000, or just double the original cost. Our share capital remains at the original sum. We have only paid dividends on that amount. But the road has cost \$10,000,000 more, and it is but just that this cost should be capitalized, and our stock shares increased to the actual cost, which is \$20,000,000.

Now this is a plausible statement of the case;

and it looks so fair that we do not wonder at persons being willing to accept it, who are interested in believing it to be a correct presentation of the facts. But is it correct? Who supplied the \$10,000,000, now to be capitalized and represented by the new stock? Was it the owners of the property? Certainly not; every dollar of it was paid by the public who patronized the road. Their money put the property in its present superb condition. Shall they be required to pay interest, in the way of dividends, on their own money? If new stock be issued for the money thus furnished and expended, dividends will be expected thereon; and so we shall have dividends paid on \$20,000,000, on a road that cost the stockholders only \$10,000,000. No reasoning can justify this. When the public pay an amount sufficient to meet operating expenses, interest, necessary improvements, and a reasonable dividend on the cost of the road, it has paid enough, and no doubling or watering of stock can have the slightest justification. This is one of the abuses which has crept into the railway system of this country, which cannot have an end too soon. There is no surer way by which to put a stop to this increase of the nominal cost of railway lines, than by the improvement and construction of water routes, on which everyone, whosoever will, may float his vessel for the transportation of commerce, free of toll, or other charge. This will compel the keeping down of both the real and nominal cost of railway construction. It will enforce the greatest possible amount of construction for the least possible amount of money. If this had always been the rule and practice, the products of the West would be going forward to the seaboard, at a much less rate than they now have to pay, and our entire transportation system would be in much better condition than it is. It is carrying unnecessary burdens, in the form of securities, and is therefore expected by the parties in interest to earn dividends which should

have been unnecessary. A canal from the Mississippi river to the lakes, such as is proposed in the call for this convention, would tend to put an end to all such practices, by railway corporations competing with it. The outlet which the improvement of the Mississippi river furnishes to the products of the West, will prove a most valuable check upon this evil, as it has already on the rates of rail transportation from some points on its banks to the East. Establish this new order of things, and the men who manage the rail transportation between the West and the East will soon accommodate themselves and their system to it. There is no danger of irreparable injury coming upon them, or the great interests they control. The ever increasing volume of traffic, resulting from the unprecedented development of the West, the advantage of rapid transit, and the saving of insurance, will take good care of them. These elements formulate compensations, which will bring no unmerited harm to their great properties and trusts. There is no desire, on the part of the people, to deal unjustly by them. The American people are as just as they are determined, and while they are resolved to solve the transportation problem, they will do it as they have others of great concern in the past, firmly but justly. If they make mistakes, they will correct them; for they mean to do what is right to all interests involved. The abuses which I have mentioned, they know to exist. They have experienced their pernicious effects. They believe in the old and sound maxim of the law, that "there is no wrong without a remedy." They know that they have the power to effect a remedy. That through Congress they may apply it, by the establishment of a code for the regulation of commerce among the several States, and by the improvement of natural waterways, and by the construction of such artificial ones as may be requisite to a complete remedy for the case they have taken in hand. They know that

through the General Assembly of the State they may apply such needed remedy as the power of Congress cannot provide, in order that the system of waterways may be reached, and utilized by all. And that this State problem rests on no such impotent foundation as that judicial fiction which allows the intervention of the right of *eminent domain*, for the benefit of a corporation for a pecuniary profit, but on that broad and all comprehensive principle that the State Legislature may do whatsoever the public welfare requires, if not prohibited thereto by express constitutional restriction, which is not the case with us in that regard. These powers exist in both Nation and State, for the promotion of the public good, and are necessary for the protection of society, and the interest of its members. The express power delegated to Congress carries with it all the implied powers necessary and proper to its efficient exercise. The absence of any constitutional limitation, on the power of State Legislation, leaves it free to act in that regard. These propositions have both been maintained by our highest judicial tribunal. We have no need to waste time in discussing the question of power. Our concern is with the policies to be adopted. The policy, for the consideration of which this convention was called, is a right and practical one. Establish a thorough system of water competition, and vast benefit will at once result to the commerce, and all industries of the West. If to reach a just and proper result, this system must be supplemented by regulative laws, let them be of such character as will enforce such conditions in our transportation service as ought to exist without law. This can work no hardship to any person or industry. To enforce the doing of such things, as of right ought to be done without coercion, is proper under all circumstances.

In providing a system of water route competition, let us be wise and cover the whole ground by working to a plan which shall be

comprehensive, and complete. The great river, on whose bank we are convened, is already working wondrous results for the producers of the West. The system of improvements put into effective operation by the general government, for the enlargement of its capacity for commercial usefulness, should be maintained and perfected. But when all is done for it that can be done, our system would be faulty if we shall not have done more. The plan should provide for all of the contingencies likely to arise, and encompass all of the competitive elements that can aid us in our purpose. A canal of proper capacity to meet the needs of our commerce, connecting the Mississippi river with the lakes, will compel an enlargement of the Erie Canal, and ultimate in the abolition of the tolls thereon. The great capital interests of New York City can't allow want of capacity in, or the obstruction of tolls upon, the Erie Canal to interfere with the business of the West, and force it to seek the seaboard at New Orleans. So, too, the latter city would be forced to use the power of her concentrated capital, and the best endeavors of her citizens of wealth and business enterprise, to hold as much of the traffic to her port as possible. The efforts of these two out-ports would be supplemented by the capital and enterprise of two great cities of the west, Chicago and St. Louis, each in behalf of its own business advantages, and in favor of the water line on which it is located. Then we must remember that, while the cold of the North would close the line to New York earlier in the season than that influence would obstruct the route to New Orleans, the latter is liable to be visited by a pestilence which often decimates populations, and suspends commerce during the summer months. When the former

contingency happens, we will still for weeks have an open way to the sea-board at New Orleans. When the latter dread predicament transpires, our way to tide-water would be open and free to New York. And it may be that the Welland Canal and the St. Lawrence river may some day be ours through the operation of economic forces, and constitute a part of our great system of waterways, and furnish us with another out-port through which the products of the West shall go on their way to Europe. Let us have at least two ports, through which to reach the outer world. Let us embrace all of the competitive elements which are to be found in the rivalries of cities, their concentrations of capital, their experiences in the ways of business, their study of economic problems, their developments of methods of trade and commerce, and the inducements they may offer to secure the patronage and favor of this great interior region. Let us have as much of the year as is possible free on one line or the other to tide-water. Let us have one line where the pestilence does not come, and another where the approach of winter is longest delayed. Nor should we overlook political conditions and considerations, in the creation and improvement of our system of water ways. Let it be such as will strengthen the unity of our country, as well as serve our commercial interests. A system which shall embrace the Mississippi, Missouri, and Ohio rivers, the proposed canal, the lakes and their connections with tide-water, would meet the requirements in the particulars which I have suggested. It would be one worthy of the great country in which we live, just to all sections of it, and effective as a solution of the great transportation problem.







CHESTER A. ARTHUR

ENGRAVED BY ORATORS AND ORATORY, FAIRBANKS, PALMER & CO., PUBLISHERS.

## CHESTER A. ARTHUR.

**S**OME men are great by inheritance, others are great by reason of surrounding circumstances, while others still are great in character and performance of duty. There are those who are continually striving after some exalted position, yet never attain to it; there are others, again, who are called to the highest posts of honor and influence without having sought for them; and one of these last is Chester A. Arthur, of New York, President of the United States.

Mr. Arthur was born at Fairfield, Vermont, October 5, 1830. His father was a Baptist minister, of fine education, and the early training of the son was carefully attended to. The family removed to New York while the subject of this sketch was a mere lad, and, for a time, settled in Washington county, of that State. There, in Union Village, now called Greenwich, young Arthur attended school, but only for a few years. He completed his preparatory studies in the Grammar School at Schenectady, and entered Union College, when but fifteen years of age. He was a bright student, and prosecuted his studies with

vigor. While attending college, he was obliged to teach school during two winters, to assist in defraying the expenses of the remainder of the year; yet, with these interruptions, at the close of his course, his scholarship was equal to the best of his class. He graduated in the class of 1848, having attended the college three years, and immediately entered a law school at Ballston Springs, where he remained but a few months, and then returned to his father's residence, in Lansingburg, and continued the study of law. Three years after leaving college, he obtained a position as Principal of an Academy at North Pownal, Vermont, where he remained about two years, engaged in preparing students to enter college. Shortly after he left his position, a young student of Williams College, James A. Garfield, came to Ballston Springs, and taught penmanship in the same school.

Mr. Arthur had been admitted to the Bar, and desired to find a location in which to settle down to practice. He traveled through a portion of the West, and then returned to the East, and settled in New York City, where he became a

member of the firm of Culver, Parker & Arthur. He imbibed strong anti-slavery ideas, and was an able champion of human rights before the courts of his State, taking a leading part in the Lemmon Slave case, which then agitated the courts and the politicians of New York, on one side, and Virginia and the whole South, on the other. In this case he was successful, and established a lasting reputation for ability and power as an advocate in the cause of human rights and liberty. His associate in the case was William M. Evarts, and their opponent Charles O'Connor.

In 1856 he began to take an active part in politics, in New York City. He was a delegate to the convention which met in Saratoga, and organized the Republican party in the State. He was appointed Engineer-in-Chief on the Governor's Staff by Edwin D. Morgan, and was made Judge-Advocate-General of the Second Brigade of State Militia.

When Sumpter was fired on, Gov. Morgan appointed Mr. Arthur to the command of the Quartermaster's Department, established in New York City, to aid in the organization and equipment of the State troops furnished to the Government. To this work he devoted his whole time and energies, and to his exertions much was due in the efficiency and completeness of the outfit provided the many thousands of brave men who answered their country's call. In 1862 he was appointed Inspector-

General, and joined the army under McDowell, where there was a large number of New York troops. Soon after, however, he was recalled to his old post. His state was to furnish sixty new regiments, and the "organizer" must be called to his post of arduous duty again.

After the close of the war, Mr. Arthur returned again to the practice of his profession, and prospered in it. He was an ardent supporter of General Grant in his first candidacy for President, and was chairman of the Republican Central Committee of his State.

In November, 1871, he was appointed to the responsible position of Collector of the Port of New York, one of the most difficult posts to fill in the whole service of the Government. Mr. Arthur filled the post, and fulfilled the duties demanded of him with the utmost acceptance. In 1875 he was re-nominated to the same position, and was confirmed, without opposition and without reference to a committee, by the Senate, an honor never conferred on any other man, except ex-Senators.

In 1878 he was succeeded by General E. A. Merritt, and resumed the practice of law. In 1879 he was again chosen chairman of the Republican Central Committee of his State, and the following year was a delegate to the National Republican Convention, in Chicago, where he was again an ardent supporter of General Grant for the Presidency. When James A. Garfield was nominated

for President, the convention turned to New York for Vice President, and Chester A. Arthur was presented as the chosen son for the honor. He performed the duties of the Vice President's office with dignity, impartiality, and ability.

When the assassin's hand was raised against the life of the President, it placed Mr. Arthur in the most delicate and embarrassing position ever occupied by any American. Accused by multitudes with being in sympathy with the dastardly act, he conducted himself in such a manner as to disarm all enemies, and call forth the admiration of the whole people. On the death of President Garfield, Mr. Arthur became President of the United States, and, on the 20th of September, 1881, following

the advice of the Cabinet, he took the oath of office before Judge Brady, of the Supreme Court of New York, and Justice Donahue, and, two days later, took the formal oath of office in Washington.

The new President entered upon the duties of his high office under circumstances that made it most difficult to perform them successfully. A single mistake would be fatal to success as Chief Magistrate of this great Nation. Quietly, modestly, with the utmost good sense, he moved forward to success. He has made friends of his enemies, and admirers of his friends. He has been a faithful servant in his high position of trust, and the Nation honors him.

### WELCOME TO THE GUESTS OF THE NATION.

*Mr. Arthur's Speech delivered at Yorktown, Oct. 19, 1882.*

FELLOW-CITIZENS: Upon this soil one hundred years ago our forefathers brought to a successful issue their heroic struggle for independence. Here and then was established, and as we trust made secure upon this continent for ages yet to come, that principle of government which is the very fiber of our political system, the sovereignty of the people. The resentments which attended, and for a time survived, the clash of arms, have long since ceased to animate our hearts. It is with no feeling of exultation over a defeated foe that to-day we summon up a remembrance of those events which

have made holy the ground whereon we tread; yet it is fitting that we should gather here to refresh our souls with the contemplation of the unfaltering patriotism, the sturdy zeal, and the sublime faith which achieved the results we now commemorate. For so, if we learn aright the lesson of the hour, shall we be incited to transmit to the generation which shall follow, the precious legacy which our fathers left to us—the love of liberty, protected by law. Of that historic scene which we here celebrate, no feature is more prominent, and none more touching, than the participation of our gallant allies

from across the sea. It was their presence which gave fresh and vigorous impulse to the hopes of our countrymen, when well nigh disheartened by a long series of disasters, and made the capitulation at Yorktown possible a century ago. To their descendants and representatives who are here present as the honored guests of the nation, it is my glad duty to offer cordial welcome. You have a right to share with us the associations which cluster about the day when your fathers fought side by side with

our fathers in the cause which was here crowned with success, and none of the memories awakened by this anniversary are more grateful to us all than the reflection that the national friendships here so closely cemented have outlasted the mutations of a changeful century—will, indeed, endure to all time. God grant, my countrymen, that they may ever remain unshaken, and that ever henceforth, with ourselves and with all the nations of the earth, we may be at peace forever!







JUSTIN S. MORRILL.

ENGRAVED FOR ORATORS AND ORATORY, FAIRBANKS, PALMER & CO., PUBLISHERS.



## JUSTIN S. MORRILL.

**J**USTIN S. MORRILL was born at Stafford, Vermont, April 14th, 1810. He enjoyed the benefits of the common schools, and finished his education in an Academy. He engaged in mercantile business, and followed it until 1848, when he turned his attention successfully to agriculture. His public political service began in 1855, when he was elected to represent his district in Congress; and so well did he represent his constituents that they continued him in that position until 1867. By this time the whole state claimed him, and the Legislature elected him to succeed Luke P. Poland in the Senate of the United States, where he took his seat on the 4th of March, 1867. In 1872 he was re-elected, and, on the expiration of his second term, he was re-elected to serve the State a third time. His present term will close in 1885. Mr. Morrill's public life has covered a period of almost twenty-eight years. He entered Con-

gress more than four years before the outbreak of the Rebellion, served through the dark years of conflict and danger, shared in the trying period of reconstruction, and has contributed his full share in the important legislation that has secured the rights for which so many lives and so much treasure were given. He has been prominently connected with the financial legislation of the past twenty-three years, and was the author of the Morrill Tariff of 1861. Much of the time, while a member of the House, he served as Chairman of the Committee on Ways and Means, and served laboriously on other committees. In the Senate he has held a prominent place on the Committee on Finance, has served as Chairman of the Committee on Public Buildings and Grounds, and the Committee on Education and Labor. Mr. Morrill has been a quiet worker, a watchful guardian of the public interests, and a wise and sagacious promoter of national progress and prosperity.

## THE TARIFF AND THE PUBLIC DEBT.

*Mr. Morrill's Speech, delivered in the United States Senate, Dec. 8, 1881.*

MR. PRESIDENT: I have brought this subject to the early attention of the Senate, because if early legislative action on the tariff is to be had, obviously the measure proposed by Senator Eaton, and passed at the last session of the Senate, is a wise and indispensable preliminary, which cannot be started too soon. The essential information needed concerns important interests, vast in number and overspreading every nook and corner of our country; and when made available by the ingathering and collocation of all the related facts, will secure the earliest attention of Congress, as well as the trust and confidence of the country, and save the appropriate committees of both Houses weeks and months of irksome labor—possibly save them also from some blunders and from final defeat.

An enlargement of the free list, essential reductions and readjustments of rates, are to be fully considered, and some errors of conflicting codifications corrected.

If a general revision of the Bible seems to have been called for, it is hardly to be wondered at that some revision of our revenue laws should be invited. But changes in the framework of a law that has had more of stability than any other of its kind in our history, and from which an unexampled growth of varied industries has risen up, should be made with much circumspection, after deliberate consideration, by just and friendly hands, and not by ill-informed and reckless revolutionists. When our recent great army was disbanded war taxes were also largely dismissed, and we have now,

and certainly shall have hereafter, no unlimited margin for slashing experiments.

We can expect no further examples of receipts exceeding the estimates by nearly \$100,000,000, nor expenditures falling short \$200,000,000. Such violent waves, coming either to fill or to empty the Treasury, are no longer to occur. Our normal condition, modified by national growth, must be resumed. We are to consider how much, if any, of internal revenue can be relinquished, and next, where and how the tariff can be safely and wisely revised, so as to leave it properly productive and in harmony with all interests, preserving the proper equilibrium among the different branches of trade, and just to every section of the country.

The amount of revenue required must be determined, and the requirement for ordinary expenses, for interest on the public debt, and for pensions, as well as for some enlargement of our Lilliputian Navy, and the decent equipment of our military fortifications, is still so great that extreme protection is not so much the question as that of revenue; and with barely moderate discrimination in favor of American fields and workshops, not leaving them in danger of unfair foreign competition, little more, it is believed, will be found necessary. If, however, there must anywhere be rusty plows, blown-out furnaces, idle looms, unemployed men, and ragged tramps, then let the Old World retain these wretched evidences of hard times, as long as a protective tariff will exclude them from our shores.

I have some remarks to make upon the gen-

eral subject of the tariff, and prefer not to postpone them until the subject will necessarily be encumbered with details, in their nature subordinate. It is not my habit to discuss the tariff upon every question before the Senate, and I shall, therefore, make no apology, it being properly before us, for asking indulgence to give it some consideration, especially now, in the early and comparatively unappropriated time of the Senate.

In speaking to-day I cannot avoid the use of language which will show that I am proud of our country and of its people, of its public spirit and industrial energy; but I do not claim to be singular. All hearts here are wedded to American institutions, and these, as we believe, are destined to historic immortality.

I shall also speak of Great Britain; not with any hate, but in the words of Holmes, "Our little motherland—God bless her!" for how much is there in the grandeur of her life of centuries, her literature, and her laws, that challenges unstinted admiration. But it is enough that her ways are not our ways; enough that she imposes the laws upon her own people; and when she straddles across the Atlantic, and intrusively seeks to impose her free-trade shackles upon the United States, I claim the right to protest against it with as much of plain and homely emphasis as I may be able to command. Pardon me, if I repel with some warmth the idea that America is ever to be exhibited as one of the fettered captives of a far-fetched and ill-planted "Cobden Club." Not that I do not appreciate the great merits of Mr. Cobden as an eminent Englishman; but his principles of free-trade are no more entitled to American homage than his principles of monarchy.

No suspicion of partisanship can adhere to me if I do not outrun the fulminations against free-trade of the late Democratic candidate for the Presidency; and I am confident that a "tariff for revenue only" does not excite in me more intense disgust than in the Democratic

vice-presidential candidate of 1876, who vigorously supports in the *North American Review* the measure for a tariff commission. "All parties," said General Hancock, "agree that the best way for us to raise revenue is largely by the tariff. So far as we are concerned, therefore, all talk about 'free trade is a folly.'" Now, that is quite in the line of what I propose to say.

Governor Hendricks, while treating the "plate-glass politics" of Southern Indiana with magnificent disdain, exhibits no want of sense, at least, when he writes that "Congress cannot look to revenue only, but must exercise judgment and discretion, and that, in the exercise thereof, regard must be had to the interest and welfare of each particular object of taxation, and to its comparative importance in the country. The rates cannot be uniform. A horizontal tariff is impossible."

These sentiments are not those of men in their dotage, but of live men, possibly not yet wholly retired from all political service, and on these questions they must be enrolled as acceptable political backers.

In considering the questions before us—questions, in the words of Dr. Johnson, where "the greatest powers of the understanding are applied to the greatest number of facts"—I regret that my ability is so unequal to their importance, and while I hope to advance my opinions with that modesty which is always decent, I must admit that they are opinions not suddenly formed, but such as are based on principles which have come down to us from our fathers undimmed by lapse of time, and which appear to me as the head-lights of a prosperous country, now having but one heart and fifty million proprietors.

Perhaps there is no subject of equal importance more constantly before legislators than the various and complex systems of taxation, upon which all civilized governments depend for enduring support, and none less attractive or so unlikely to be patiently and laboriously

investigated by the majority of those whose duty it may be to revise this joyless class of statutes. The subject affords play neither to sudden wit nor to loitering imagination, but from first to last tires everybody with a wilderness of statistics, frigid facts, and debatable problems.

The imposition of even necessary taxes, upon those through whose favor we derive all our legislative authority, is not fascinating work, and to some it appears so likely to obscure professed love for the people, or so threatening to official longevity, that they prefer a defensive record adverse to all taxation. They would not imperil congressional honors by taxing such necessities of life as tobacco and whisky, and they denounce the wrong which does not leave them both free to every head of a family, and to all who may declare their intention to become the head of a family. These tender friends have no idea of subjecting tender-footed constituents to any burden beyond that of regular and eager support at the polls, and they lean to an alliance with those who maintain the good time coming, when the word *not* shall be expunged in the next revision from all the commandments; when holidays shall be equally rewarded with working days; when mines and quarries shall spontaneously open where fortunes can be had without digging; when paper money, hitched to undiscovered gold, shall be created by the fiat of the government, and be distributed every morning like manna to hungry Hebrews; when not only those who are lazy can be lazier still, but when all monopoly and ownership of property shall cease, and every one have or be the donkey he covets.

But in our country common sense, and common schools, and the common people are more than a match for any school of demagogues. It is satisfactory to feel that we may here safely appeal, not in vain, to the broad interests of a broad land, to the knowledge and virtue which should guide statesmen, and to the example of

illustrious men, whose lasting glory it will ever be that they bound together the people of a continent with a coherence that is fixed and invincible.

Not to have confidence in Congress would be to impeach our own institutions as well as to adopt the sneers and doubts of hereditary enemies, who have been wont to include Americans among those whom

No king could govern, and no god could please.

In the end, therefore, I am glad to believe we shall reach the conclusions of a great people, who, looking to their enduring honor, as well as to their present and prospective interests, will cling to such salutary measures as have already contributed so greatly to our growth and character, rather than to borrow expedients, rejected abroad, and unnatural not less everywhere in the New World than to our own people.

The policy among the ancient nationalities was to accumulate large sums in reserve for conquest or defense. Then, when war arose, no new taxes were imposed, but money was paid out so plenteously that every home industry was animated and made more profitable. We may deplore the fact that the victors often plundered and even enslaved the conquered; yet the financial economy, which provided in advance for great emergencies, must be commended, and it presents a striking contrast to the policy of leading nations in modern times, which seems to be to create colossal national debts, to mortgage future revenues, and pledge the honor of posterity to be responsible for both the necessities and unbounded prodigalities of their ancestors.

Under such circumstances even the ordinary burdens, national and local, cheerfully borne in time of peace and prosperity, begin to chafe, and those added by reason of exceptional necessities are often looked upon with little composure, and even desperate resolutions are sometimes formed to summarily shake them off.

The honor of making perpetual pecuniary sacrifices for one's country is nowhere too eagerly courted. New ways to pay old debts, or cunning shifts for their avoidance, are often welcomed with greater satisfaction, and it is sometimes found that these shameless expedients secure favor even among those who, in private life, would scorn to make a promise that could be left unredeemed.

A public debt increases the cost of living, and the obligation to pay often loses vitality, and becomes decrepid with age. The early gradual extinguishment of our public debt, therefore, appears to me as essential to the preservation of our moral character as to our thrift. An intelligent people should be inspired with the hope of ultimate deliverance from debt; and while, for such great objects, the heaviest war taxes are no longer expedient nor required, enough must remain to show that our debt-paying policy is deep-rooted and unalterable.

Abundant as our revenue now seems to be, it is not much more than equal to what has been relinquished since the war. In 1866 the receipts were \$558,032,620.06, or nearly double that of Great Britain during that supreme exigency which terminated at Waterloo. Other nations may have reached the grinding limits of taxation, but so far as our country is concerned, with no ambition beyond the victories of peace, should a crisis occur calling for a fighting nation, we have unstrained resources to put two million or more of gallant men in the field, with no fear of a lack of support or adequate reward.

While extricating ourselves from public debt, and from all its inhering perplexities, as rapidly as we may, we are bound to make the burdens to be borne as light and equal as possible. A large national debt is not only a bond to keep the peace at any price, but it is an advertised lack of national energy, which sometimes encourages bald pretensions, or invites aggressions from those who would otherwise be likely to trust us with their "most distinguished consideration."

We intend to keep the peace, but cannot consent to speak with "bated breath," nor to be financially handcuffed. It was the inferiority of neighboring and debt-laden states, as much as their German cousinship, which invited their recent absorption by Prussia. Nor can we forget that the last of the Napoleons once thought the United States ripe for spoliation. The broken-down credit of Turkey keeps the beaks and claws of all Europe uplifted to tear her provinces asunder. France has seized Tunis, and, while holding the African wolf by the ears, waits to avenge Sedan by the recovery of Alsace and Lorraine. England, with hands too full to indisputably grip all she now claims, covets Egypt. Austria, defeated in Italy, would be mistress of the lower Danube, and Russia sullenly awaits the inevitable hour for Constantinople. The United States, however, seeks neither colonial satellites nor territorial conquests. Contented with the past, we await without fear the possibilities of all coming centuries.

It must be admitted that a great public debt is not merely a source of weakness, perpetuating grievous taxation, but its influence is anti-republican. It largely increases executive patronage by bringing forth an unusual force of tax-gatherers, as well as a hateful brood of informers.

Though public debts are often justified by the gravity of the occasions which gave them birth, it is too evident that, *per se*, they are not public blessings. If President Jackson had thought otherwise, he would not in 1835 have announced in such exultant tones that "all the remains of the public debt have been redeemed." Our population then did not reach fifteen millions, and the hero of New Orleans was proud of the fact that twenty-five million dollars of public debt had been extinguished in three years! A generation has passed away, and another has succeeded, and we have paid off in a single year more than four times as much as

was paid when the country was liberated and electrified by the feat of 1835.

Since the era of President Jackson, our population has more than trebled, and the wealth of the nation is many, many times greater; but the future President, who may have the eminent fortune to announce to the American people that "all the remains of the public debt have been redeemed," will mark an epoch, and such a day will be once more celebrated as a national jubilee.\*

The future of our country, its public spirit and frugality, should not hereafter be less distinguished than in the past; and the American policy, payment of the public debt, universal education, no great standing army, and the retention of so much of the tariff as will furnish ample revenue, and secure to labor both employment and adequate reward, will continue to illustrate our career, and be regarded not only with patriotic affection by our own people, but with rapture by many people less fortunate.

Among the original States of the Union, the most prosperous and most advanced in manufactures, as well as all others, gave up their power to regulate trade and commerce to the general government; but with the deep conviction that their most important interests would receive greater protection, and with no fear that they would then, or ever, be neglected or trampled under foot. Madison, in the First Congress, said such a neglect would be a fraud on the States and on the people. What inducements, let me ask, would citizens have had to pay taxes, fight battles, if after all they were to have no other protection than that accorded to foreigners, subject to no tax and to no service? If state laws regulating trade and commerce were superseded, States ripe for

manufactures felt more sure of being fully and efficiently guarded by the broad shield of the Union. The arms they laid down were laid down to be placed in equally friendly but stronger hands. Invisible local boundaries were to give place to ramparts planted on national frontiers. Free trade was to be opened to co-equal sister States, and to sister States only, but assuredly not to be opened to peoples bearing no part of our public burdens; least of all, not to be opened to foreign rivals, nor to foes from whom we had heroically just won our independence. No national government then practiced or advertised the policy of free trade, and one only now pretends to any faith in that much-battered creed, and that one appears nothing loath to renounce it whenever and wherever adherence fails to promote her interests.

States, having a deficient population, with limited manufactures and remote from markets, most require protection. By no other means can their growth and prosperity be so surely advanced. It is manufactures in their infancy, in States hardly starting in diversified occupations, which need creative stimulus. This was understood and declared by the framers of our Constitution, and reiterated, without discordant notes, for many years after the adoption of that instrument. The first petition to Congress, coming from Maryland, asked for protection to manufactures, and the next, from Virginia, asked for protection to salt, and subsequently to other articles. The preamble to the first revenue act set forth that it was "for the discharge of the debts of the United States, and encouragement and protection of manufactures." The Congress of 1789 was not ashamed to avow its policy, and did not hide it in incidentals nor in judicious euphemisms.

Hamilton, after Burke, the profoundest statesman of his age, while Secretary of the Treasury under President Washington, brought forth his masterly reports, which, for political wisdom

\* "This month of January, 1835," said Mr. Benton at the Washington banquet, "in the fifty-eighth year of the Republic, Andrew Jackson being President, the national debt is paid, and the apparition, so long unseen on earth, a great nation without a national debt, stands revealed to the astonished vision of a wondering world."

and administrative ability, will be consulted and quoted as authority as long as our Republic endures. His arguments for establishing the public credit, for funding the public debt, and that favoring the imposition of duties on imports for the protection of domestic manufactures, were unanswerable then, and unanswerable they remain, and having been so considered, were reprinted many years after the tragical death of the author, by a Democratic Congress, as the work of a gifted statesman, lifted far above the plane of merely political controversy.

Jefferson in his "Notes on Virginia," had expressed some views adverse to the establishment of manufactures, but, subsequently, his views underwent a radical change, and, besides employing twenty of his slaves in making nails, he also became a practical manufacturer to the extent of running one carding-machine, two spinning-jennies, and a loom with a flying-shuttle. In 1816 he writes: "Experience has taught me that manufactures are now as necessary to our independence as to our comfort."

The policy of protection was adhered to by Adams and Jefferson. There was little dissent, apparently, from any quarter, and the leading arguments in support of the tariff of 1816 must be credited to Mr. Calhoun, who, almost for the first time, then exhibited his remarkable logical resources in debate. It was supposed that future wars with England were probable, possibly inevitable, and absolute independence in peace or war, was to be broadly and resolutely asserted.

President Monroe, by precept and example, was almost a fanatic as to the policy of encouraging American manufactures. Soon after he was inaugurated, he made, in 1817, his extensive tour through the Northern and Eastern States, from the Atlantic to Detroit, clad in *blue homespun* and a cocked hat. He was met by crowds of people at every town, and he not only thoroughly inspected our naval depots, arsenals, and fortifications, but he was equally

inquisitive in regard to our very humble, but growing, manufacturing establishments; and one very small one, then just starting for the manufacture of copperas, in my native town, he traveled much out of his way to visit in Vermont, which enabled me, a mere child, by going on foot two miles and a half on a rainy day, to see the man of whom Jefferson said, that "if his soul were turned inside out, not a spot would be found on it."

General Jackson was a member of the Senate, and voted for the tariff of 1824. From one of his letters, written in the same spirit with which he had earlier, when a boy-prisoner, refused to black the boots of a British officer, I copy the following words:

"Upon the success of our manufactures, as the handmaid of agriculture and commerce, depends, in a great measure, the independence of our country; and I assure you that none can feel more sensibly than I do the necessity of encouraging them."

There is no authority upon the interpretation of the Constitution standing above that of James Madison, justly called the "Father of the Constitution." His letter to Professor Davis, so late as 1833, after referring with approbation to a recent tariff speech by Mr. Webster, at Pittsburgh, presents elaborate and impregnable arguments in behalf of protection, and in that remarkably cogent and lucid style which adorned all the writings of this peerless statesman. Might not this able, patriotic, and unselfish Virginian have said, as sadly as Bacon, "I leave my name and memory to foreign nations, and to *mine own countrymen*, after some time is passed over?"

Later we have endured seasons of instability, but our nearest approaches to free trade have been seasons of national disaster, strewn with the wrecks of general ruin, as were the years '37, '47, and '57; and the further we have receded from free trade, the better has labor fared and the greater has been the material, and, I do

not hesitate to say, the educational advancement of the country. Free trade with foreign nations affords no buoyancy to life at home, but like a patent life-preserver, wrongly adjusted, would put our heads under water and heels uppermost.

Henry Clay, personally, long the best beloved public man in the United States, was most distinguished as the bold leader of protection to home industries, and might more than once, perhaps, have been elected to the Presidency but for his stiff utterance, his "rather to be right than be President," and his moderate opinions upon slavery and Texas annexation. When, among other States, Missouri was carried for him in 1824, Mr. Benton was a most prominent supporter, and upon the ground, as stated by him, "that the most efficient protector of American iron, lead, hemp, wool, and cotton would be the triumphant champion of the new tariff." Mr. Benton, however, soon bowed to other gods; and Mr. Clay, in 1844, was beaten by Mr. Polk on the Texas issue, and also by having his protective garments suddenly stolen from him by Mr. Polk, who came out at the last moment in favor of "fair protection to our agriculture, manufactures, and commerce." At the decease of Mr. Clay, Mr. Breckinridge, a lifelong political adversary, but a knightly neighbor, declared in his eloquent eulogy:

"If I were to write his epitaph, I would inscribe as the highest eulogy on the stone which shall mark his resting-place: 'Here lies a man who was in the public service for fifty years, and never attempted to deceive his countrymen.'"

Kentucky is a noble State, of ample proportions, peopled by a gallant race, and is entitled to great credit for the pure blooded stock—the Durhams and Lexingtons—of her blue-grass regions, with large disputable claims for the quantity and quality of her pure Bourbon products; but the home of Henry Clay ought to have led our people in the activities of

material development, interweaving all the prosperity evolved by various skilled industries; and, though Kentucky has not been a leader in the early part of the race, it may be confidently expected she will yet save herself on the "home-stretch." Georgia and South Carolina, losing no time in belated hosannas to State rights idolatries, seem alive to that statesmanship which brings them to the front of growing prosperity; and, mainly, because these elder sister States, with great energy, appear now to have practically accepted Henry Clay's masculine policy of "entire independence of all foreign states as respects our essential wants." The whole country owes endless gratitude to the great Kentucky statesman, the splendor of whose oratory may be forgotten, and his compromises forgiven, but whose early patriotic advocacy of American industries and their protection, will forever cause his memory to be decorated with fresh flowers culled by the hands of labor in every State.

Among turfmen—and the ministers of Great Britain rarely have been strangers to the sports of the turf—the well-known rule of handicapping for differences of age or sex, and for recorded speed in previous races, is recognized and inflexibly demanded. No free-trade axioms are tolerated at the Derby, but younger colts and fillies are protected by a stringent tariff of weights against greater age and against prior records of speed. All the racers of England have had this protection increased at every successive race against the American Parole and Iroquois. If, then, horses may with stern propriety be protected against any odds, why may not men? If it would have been wrong to allow Parole to carry off all prizes with no increase of weight to be successively borne, it would be equally wrong to permit younger and less experienced nations in manufactures to submit to, and be distanced by, those long-possessed of foremost advantages, and the previous winners in many contested fields. And yet the owners



of Manchester and Birmingham five-year-olds, hold that a match with Atlanta and Indianapolis, two-year-olds, is equal, just, and scientific, and refuse to be comforted whenever they are fairly handicapped by protective tariffs.

Rather vain of our Anglo-Saxon origin, as we all willingly admit ourselves to be, we are also prone to think much of English blood in the brute creation. Accordingly, will it be denied that a few of our most erudite and highest bred American newspaper editors, who have adopted, as a science, the eccentric free-trade dogma of Great Britain, appear to have a strange fancy for an English bull-dog at their front door to bark at everything American that passes by, and were those who follow the teachings of Jefferson and Clay, of Jackson and Webster, to be passing, would they not have to jump out of their tracks, or find the teeth of these un-American dogs in the calves of their legs.

But whenever these editors, otherwise excellent, come to thoroughly explore their free-trade dogma, they will find it like all other commercial rules and regulations, solely a matter of expediency, destitute of even a protoplasm of exact science, and that it may be expected that these barking sentinels will no longer be useful, even in the most vociferous partisan warfare.

The tariff act of 1861, which, by a nick-name given by baffled opponents as an echo to a name so humble as my own, it was perhaps hoped to render odious, was yet approved by a Democratic President, and gave to Mr. Buchanan a much-needed opportunity to perform, at least, one official act approved by the people.

If I refer to this measure it will not be egotistically, nor to shrink responsibility, but only in defense of those who aided in its passage—such as the never-to-be-forgotten Henry Winter Davis, Thad. Stevens, and William A. Howard, and, let me add, the names of Fessenden and Crittenden and, without the parliamentary skill of one (Mr. Sherman) now

a member of this body, its success would not have been made certain.

And yet this so-called "Morrill tariff," hooted at as a "Chinese wall" that was to shut out both commerce and revenue, notwithstanding amendments subsequently piled and patched upon it at every fresh demand during the war, but retaining its vertebræ and all of its specific characteristics, has been, as a financial measure, an unprecedented success, in spite of its supposed patronymical incumbrance. Transforming ad valorem duties into specific, then averaging but 25 per cent. upon the invoice values, imposing much higher rates upon luxuries than upon necessities, and introducing compound duties\* upon woollens, justly compensatory for the duties on wool, it has secured all the revenue anticipated, or \$198,159,676 in 1881, against \$53,187,511 in 1860, and our total trade, exports and imports, in 1860, of \$687,192,176, appears to have expanded in 1880 to \$1,613,770,633, with a grand excess of exports in our favor of \$167,683,912, and an excess in 1881 of \$259,726,254, while it was \$20,040,062 against us in 1860. A great reduction of the public debt has followed, and the interest charged has fallen from \$143,781,591 in 1867 to about \$60,500,000 at the present time.

If such a result is not a practical demonstration of healthy intrinsic merits, when both revenue and commerce increase in a much greater ratio than population, what is it? Our imports in the past two years have been further brilliantly embellished by \$167,060,041 of gold and silver coin and bullion, while retaining in addition all of our own immense domestic productions; and it was this only which enabled us to resume and maintain specie payments. Let the contrast of 1860 be also borne in mind, when the excess of our exports of gold and silver was \$57,996,004.

As a protective measure, this tariff, with all

\* The Dominion of Canada has since imposed duties upon a large number of articles.

its additional amendments, has proven more satisfactory to the people and to various industries of the country than any other on record. The jury of the country has so recorded its verdict. Agriculture has made immense strides forward. The recent exports of food products, though never larger, is not equal by twenty-fold to home consumption, and prices are everywhere more remunerative, agricultural products being higher and manufactures lower. Of wheat, corn, and oats there was produced 1,184,540,849 bushels in 1860, but in 1880 the crop had swelled to 2,622,200,039 bushels, or had much more than doubled. Since 1860, lands in many of the Western States have risen from 100 to 175 per cent. The production of rice, during the same time, rose from 11,000,000 pounds to 117,000,000 pounds. The fires of the tall chimneys have everywhere been lighted up; and while we made only 987,559 tons of pig-iron in 1860, in 1880 we made 4,295,414 tons; and of railroad iron the increase was from 235,107 tons to 1,461,837 tons. In twenty years the production of salt rose from 12,717,200 bushels to 29,800,298 bushels. No previous crop of cotton equaled the 4,861,000 bales of 1860, but the crop of 1880 was larger, and that of 1881 is reported at 6,606,000 bales. The yield of cotton from 1865 to 1881 shows an increase over the fifteen years, from 1845 to 1861, of 14,029,000 bales, or almost an average gain of a million bales a year.

The giant water wheels have revolved more briskly, showing the manufacture of 1,797,000 bales of cotton in 1880 against only 979,000 bales in 1860, and this brought up the price of raw cotton to higher figures than in 1860. Thirteen States and one Territory produced cotton. The census of cotton manufactures shows:

	1860.	1880.
Capital invested.....	\$98,585,269	\$27,781,898
Number of operators.....	122,028	175,187
Wages paid.....	\$23,040,108	\$41,921,106
Value of productions....	115,681,774	102,773,900

It will be found that a larger amount of capital has been invested in cotton mills than in woolen, and that the increase of productions has been large and healthy, a very handsome proportion of which is to be credited to Southern States. Goods of many descriptions have also been cheapened in price. Standard prints or calicos, which sold in 1860 for nine and one-half cents per yard, now sell for six and one-half cents.

The census returns of woolen manufactures show the following astonishing results:

	1880.	1860.
Males employed.....	74,367	24,841
Females employed.....	65,261	16,841
Capital invested.....	\$155,454,105	\$30,862,654
Wages paid.....	47,115,614	9,808,454
Value raw material consumed..	162,609,436	36,596,887
Value of annual product.....	265,684,796	61,895,217
Importation of woolens.....	33,613,807	37,876,945
Annual production of wool, lbs	264,500,000	60,511,343

It thus appears that, while the number of hands employed is three times and a half larger than in 1860, the wages paid is about five times larger, and the capital is five times greater. The annual productions have been more than quadrupled, and the aggregate importations have fallen off over four millions. With these results in our front, protection on wool and woolens will be likely to withstand the hand-grenades of all free-trade besiegers.

In New England and some other States sheep husbandry has fallen off, and in some places it has been replaced by the dairy business; but in other States the wool-clip has largely increased, especially has the weight of the fleece increased. The number of sheep has increased about 80 per cent., and the weight of wool over 400 per cent. The discovery that the fine long merino wools, known as the American merino, are, in fact, the best of combing wools, and now used in many styles of dress goods, has added greatly to their demand and value. Many kinds of woolen goods can be had at a less price than twenty years ago. Cashmeres that then brought forty-six cents per yard, brought only thirty

eight and one-fourth cents in 1880, and muslin delaines dropped from twenty cents to fifteen, showing that the tariff did not make them dearer, but that American competition caused a reduction in prices.

The length of our railroads has been trebled, rising from 31,185 miles in 1860 to 94,000 miles in 1881, and possibly to one-half of all in the world. For commercial purposes the wide area of our country has been compressed within narrow limits, and transportation, in time and expense, from New York to Kansas, or from Chicago to Baltimore, is now less formidable than it was from Albany or Pittsburgh to Philadelphia, prior to the era of railroads. The most distant States reach the same markets, and are no longer neighbors-in-law, but sister States. The cost of eastern or western bound freight is less than one-third of former rates. Workingmen, including every ship-load of emigrants, have found acceptable employment. Our aggregate wealth in 1860 was \$19,089,156,289, but is estimated to have advanced in 1880 to over forty billions. Further examination will show that the United States are steadily increasing in wealth, and increasing, too, much more rapidly than free-trade England, notwithstanding all her early advantages of practical experience, and her supremacy in accumulated capital. The increase of wealth in France is twice as rapid as in England, but in the United States it is more rapid than even in France.

These are monumental facts, and they can no more be blinked out of sight than the Alleghenies or the Rocky Mountains. They belong to our country, and sufficiently illustrate its progress and vindicate the tariff of 1861. If the facts cannot be denied, the argument remains irrefutable. If royal "cowboys," who attempted to whistle down American independence one hundred years ago, ingloriously failed, so it may be hoped will fail royal trumpeters of free trade, who seem to take sides against the United

States in all commercial contests for industrial independence.

Among the branches of manufactures absolutely waked into life by the tariff of 1861, and which then had no place above zero, may be named crockery and china ware. The number of white-ware factories is now fifty-three, with forty decorating establishments; and the products, amounting to several millions, are sold at prices twenty-five to fifty per cent. below the prevailing prices of twenty years ago. Clay and kaolin, equal to the best in China, have been found East, West, and South in such abundance as to promise a large extension of American enterprise, not only in the ordinary but in the highest branches of ceramic art. Steel may also here claim its birth. No more of all sorts than 11,838 tons were made in 1860, but 1,397,015 tons were made in 1880. Those who objected to a duty on steel have found that they were biting something more than a file. Silks in 1860, hardly unwound from the cocoon, were creeping along with a small showing of sewing-silk and a few trimmings, but now this industry rises to national importance, furnishing apt employment to many thousand women as well as to men, and the annual products, sharply competing with even the Bonnet silks of Lyons, amount to the round sum of \$34,500,000. Notwithstanding the exceptionally heavy duties, I am assured that silk goods in general are sold for 25 per cent. less than they were twenty years ago.

Plate-glass is another notable manufacture, requiring great scientific and mechanical skill, and large capital, whose origin bears date since the tariff of 1861. It is made in Missouri and Indiana, and to a small extent in Kentucky and Massachusetts; but in Indiana it is made of the purest and best quality by an establishment which, after surmounting many perils, has now few equals in the magnitude or perfection of its productions, whether on this or the other side of the Atlantic, and richly merits not only the

favor, but the patronage of the government itself. Copper is another industry, upon which a specific duty was imposed in 1861, which has had a rapid growth, and now makes a large contribution to our mineral wealth. The amount produced in 1860 was less than one-fifth the present production, and valued at \$2,288,182; while in 1880 the production rose to the value of \$8,849,961. The capital invested increased from \$8,525,500 to \$31,675,096. In 1860 the United States Mint paid from twenty-three and one-half to twenty-five cents per pound for copper; but has obtained it the present year, under a protective tariff, as low as seventeen cents. Like our mines of inexhaustible coal and iron, copper is found in many States, some of it superior to any in the world, and for special uses is constantly sought after by foreign governments.

Many American productions sustain the character they have won, by being the best in the world. Our carpenters and joiners could not be hired to handle any other than American tools; and there are no foreign agricultural implements, from a spade to a reaper, that an American farmer would accept as a gift. There is no saddlery, hardware, nor house-furnishing equal in quality and style to American. Watches and jewelry, and the electric gold and silver plated ware of American workmanship, as to quality, have the foremost place in the marts of the world. The superiority of our staple cotton goods is indisputable, as is proven by the tribute of frequent counterfeits displayed abroad. The city of Philadelphia alone makes many better carpets, and more in quantity than the whole of Great Britain. These are noble achievements, which should neither be obscured nor lost by the sinister handling and industrious vituperation of free-trade monographists.

The vast array of important and useful inventions recorded in our Patent Office, and in use the world over, shows that it is hardly arrogance for us to accept the compliment of Mr.

Cobden, and claim that the natural mechanical genius of average Americans will soon appear as much superior to that of Englishmen, as was that of Englishmen one hundred years ago to that of the Dutch.

If we had been under the banner of free trade in 1873, when the wide-spread financial storm struck our sails, what would have been our fate? Is it not apparent that our people would have been stranded on a lee shore, and that the general over-production and excess of unsold merchandise everywhere abroad, would have come without hindrance, with the swiftness of the winds, to find a market here at any price? As it was, the gloom and suffering here were very great, but American workingmen found some shelter in their home markets, and their recovery from the shock was much earlier assured than that of those who, in addition to their own calamities, had also to bear the pressure of the hard times of other nations.

In six years, ending June 30, 1881, our exports of merchandise exceeded imports by over \$1,175,000,000—a large sum in itself, largely increasing our stock of gold, filling the pockets of the people with more than two hundred and fifty millions not found in the Treasury or banks, making the return to specie payments easy, and arresting the painful drain of interest so long paid abroad. It is also a very conclusive refutation of the wild free trade chimeras that exports are dependent upon imports, and that comparatively high duties are invariably less productive of revenue than low duties. The pertinent question arises, shall we not, in the main, hold fast to the blessings we have? As Americans, we must reject free trade. To use some words of Burke upon another subject: "If it be a panacea, we do not want it. We know the consequences of unnecessary physic. If it be a plague, it is such a plague that the precautions of the most severe quarantine ought to be established against it."

It gives me no pleasure to notice retrograde

steps in the prosperity of Great Britain; and if some evidence of this sort is brought out, like that of the five thousand houses now marked "To let," in Sheffield, and ten thousand in Birmingham, it will have no other purpose than to show that free trade has failed to secure the promised supremacy to English manufactures. The avowal of Mr. Gladstone, that the additional penny to the income tax produces less revenue than formerly, indicates a positive decrease of wealth; and the steady diminution of British exports since 1873, amounting in 1880 to \$160,000,000, with a diminution in the total of exports and imports of \$250,000, is more conclusive proof as well of British decadence as of the advancement of other nations.

The sum of our annual support bestowed upon the navy, like that upon the army, may be too close-fisted and disproportionate to our extended ocean boundaries, and to the value of American commerce afloat; yet, whatever has been granted, has been designed almost exclusively for the protection of our foreign commerce, and amounts in the aggregate to untold millions. Manufacturers do not complain that this is a needless and excessive favor to importers; and why, then, should importers object to some protection to a much larger amount of capital, and to far greater numbers, embarked certainly in an equally laudable enterprise at home?

For the last thirty-five years England has been making extraordinary efforts, political, industrial, legislative, diplomatic, social, and literary, all combined, to persuade mankind to follow her example of reversing that policy of protection, supreme in her Augustan age, or from Queen Anne down throughout the Georgian era, and the policy maintained by Chatham, by the younger Pitt, and by Canning, with an energy that created and sustained the most varied and extensive workshops in the world. Already mistress of the ocean, and abounding in wealth, the sea-girt island aspired to a world-

wide monopoly of trade. Penetrated with this later free-trade ambition, and not infrequently accused of trying to make all England tributary to Manchester, and all the rest of the world tributary to England, the eloquent Mr. Bright, who grandly rejected any idea of a new nation in America, resorts even to the infelicitous language of passion when he denounces his opponents, as he does, by declaring that any looking toward protective legislation anywhere in the world, is proof either of "congenital depravity or defect of judgment." \* Let us be thankful it is no worse; for what would have happened if the wrathful Englishman had said "total depravity."

The repeal of the corn laws was not for the benefit of foreign nations, but solely for the benefit of Englishmen.

First. It was their belief that their skill and great capital gave them that superiority which would secure them against all competition, except that arising from cheaper food.

Second. The cheaper-fed workmen of Germany, France, and America presented the only competition not to be resisted, and it had to be at once squarely met. Protection was abandoned, and abandoned, possibly forever, but abandoned because the laboring British population had become too great and too hungry, with over a million and a half of paupers, when measured by the supply of home-grown food. Some of the little Benjamins must go to Egypt for corn. Starving men do little work, but occasionally do too much. The sole conditions to the continuance of the dense population, and the grand scale of British manufactures, in competition with modern nations, appeared to be parsimony and privation, or lower-priced bread and lowest-priced labor. With these partially secured, there came a season of temporary relief, but, unfortunately, with no increase of wages. It was

\* Before this he had characterized protectionists as either "knaves" or "simpletons."

barely a success, at the cost of an alliance with the discontent of underpaid workmen, with strikes, and organized expatriation. Free trade, it is found, grinds labor to the bone, and forces it to fly, with muscles and machinery, to more inviting fields.

British agriculture, long depressed and chronically exposed to bad harvests, is now threatened with ruin by foreign competition, and British manufactures, also, seem almost as destitute of sunshine as their agriculture, though still owning a reluctant allegiance to the laws of the universe, and to the exact science of the garrulous Bonamy Price. Lord Derby, in a late speech to the Lancashire farmers, recommended that some of the farmers should emigrate—five millions, I believe, he proposed—and those who might remain, said he, will then be able to farm on better terms.

True enough; but what a cold, sunless, and desperate remedy is that! If not Roman decimation, at least a sentence of banishment, crushing out the sweetest affections planted in human hearts, their love for their birthplaces, the homes of their fathers! But if these ill-fated men have barely supported life by the pittance daily earned, by what means, at whose cost, can they be transported to better and more welcome homes? The advice of Lord Derby is like that of the children of Marie Antoinette, when the populace of Paris were clamoring for bread. Said the children: "Why don't they buy cake?" Equally "child-like and bland" is Lord Derby. It would seem, when over forty per cent. of their yearly imports must be of food, that the British Islands are too small for the foundations of the empire. The grand pyramid stands upon its apex reversed.

English statesmen have not forgotten the reservation of Sir Robert Peel, the author of the free-trade bill in 1846: "I reserve to myself," said he, "distinctly and unequivocally, the right of adapting my conduct to the exigencies of the moment, and to the wants of the coun-

try;" and that is all protectionists ever claim to do.

A ready, Sir Stafford Northcote, the leader of the Tory opposition in the House of Commons, is on the fence, and only ventures to favor "universal free trade." That is surely a horse of another color, not Wellington's "Copenhagen," but more like Sancho Panza's "Dapple."

The recent reaction or change in many organs of British opinion shows, that this right of adaptation to the exigencies of the moment is neither surrendered nor obsolete. Let me cite an extract from an influential paper, called the *Observer*:

"There is no obligation upon us to incur industrial martyrdom for the sake of propagating free-trade principles, even supposing their truth to be as self-evident as we fondly imagined. Moreover, to speak the honest truth, we are beginning to doubt how far the creed, to which we pinned our faith, is so self-evident as we originally conceived. If we can persuade other nations to follow our example, then free-trade is unquestionably the best thing for England. It does not follow, however, that it is the best thing for us, if we are to be left the sole adherents of free-trade in the midst of a community of nations devoted to protection."

The *Observer* does not say, as will be seen, that it is best for other nations, but only, if they will follow her example, "unquestionably the best thing for England;" and that will not be disputed.

Other nations, however, seem to prefer to profit by the earlier English example, displayed for seventy years after Smith's *Wealth of Nations* appeared, and free trade, like the favorite English plum pudding, is now called for by nobody but themselves, and is getting so cold as to be unpalatable even at home. Yet it is proposed by the amateur statesmen of our urbane free-trade clubs, guiltless of any drop of perspiration in the paths of industry, to arrest American development by copying this

foreign example, and thus bring our home labor and all of its rewards down to the European and Asiatic level. Nevertheless, I have faith that we shall abide in the track of the principles and politics, which elevate and give character to American citizens, surrounding them with the daily presence and beauty of the useful arts, which so largely add to the power and dignity of any people in the great family of nations. To limit the industrial forces of an active, inventive, and ingenious people to agriculture alone, excluding manufactures and the mechanic arts, would be little better than in time of war to restrict an army to infantry alone, to the exclusion of cavalry and artillery. Great battles are not often so won.

A diversity of pursuits makes a great nation possible in peace, and greater in war. General competence, habits of self-reliance, and higher culture are thus more surely obtained. The improvement in one occupation is contagious, and spreads to all others. Philosophy, politics, and liberty all go up higher, and the happiness and dignity of mankind are promoted.

It is an axiom of British free-trade economy, that for any branch of manufactures to rest on safe foundations, it is indispensable that both the raw material and the skilled labor required should be indigenous. This seems to be a rule intended to fence out of the field all nations where either the raw material or the skilled labor called for is not native and abundant; but, if applied where the raw material is not indigenous, the British Islands would be stripped of a great share of their industry. Nor can any Nation claim a class of men as born with a monopoly of skilled endowments; these, at any rate, are not "congenital," and trades must be taught by long apprenticeships; but raw materials are usually planted by nature, and climate and soil fix and determine inflexible boundaries. Cotton is not indigenous in the British Islands, though their accomplished cotton manufacturers have made it the leading article of

commerce, leading their national policy. Hemp and silk, also, are the products of other lands. Having no timber or lumber good enough for ships it is all brought, like their royal timber, from any place in the world but home. The steel used at Sheffield for cutlery is made from iron imported from Sweden and Norway; and no fine or merino wool consumed is of home growth. Not a little of the best machinery now alive in England had its birth on this side of the Atlantic, and must be credited to American genius.

The title of the British Islands to all the raw material, and to exclusive and hereditary mechanical skill among men, is widely contested, and the world will not fold its arms unresistingly to any such pretentious domination. The power of steam, though marvelously developed by English cleverness, is an auxiliary force belonging of right to the whole human race, as much as gravity or electricity, wherever its service may be called for, and its abode can no more be exclusively monopolized than that of the Promethean fire stolen from Heaven.

The first steam engine is supposed to have been employed at Manchester in 1790, where there are now, it is stated, in daily use within a circuit of ten miles, more than fifty thousand boilers, yielding a total force equal to the power of one million horses, and the combined steam-power of Great Britain is represented to be equal to the manual labor of twice the number of males living on the globe. We greatly admire the prodigious enterprise of Great Britain, and it would be strange if, with our immensely greater coal fields, it should let Americans sleep.

Free trade as a theory, unembarrassed by contact with practical affairs, and divorced from any idea of supplying other equal and legitimate sources of revenue for the support of governments, appears wonderfully simple and seductive. Tearing down custom-houses, as a knock-down argument, is held to be scientific, but it is not

conclusive. Some schoolmen, innocent of earning even a coat or a pair of shoes by the sweat of the brow, and sage without experience, adopt the theory because it is an article of faith—saving without works—with a ready-made catechism in imported text works, and requires no comprehensive investigation of the multi-form and ever varying facts and exigencies in national affairs; but when the theory comes to be practically applied alike to all times, places, and conditions of men, it obviously becomes political quackery, as untenable and preposterous as it would be to insist upon clothing all mankind in garments of the same material, in summer or winter, and of equal cut and dimensions, whether for big men or little, on the Danube or on the Mississippi. But, however free trade comes to America, it comes as a strait-jacket, and, whether new or second-hand, it is equally a misfit and unacceptable.

The affairs of communities are subject to endless differences from age to age, and year to year, and governments that do not recognize these differences are either stupid or tyrannical, and deserve to be superseded or overthrown. In 1816 the sound policy of England, as Lord Brougham declared, was to stifle "in the cradle those infant manufactures in the United States which the war had forced into existence." In 1824 the policy, according to Huskisson, was "an extension of the principle of reducing duties just so far as was consistent with complete protection of British industry." In 1846, duties upon most foreign manufactures had almost ceased to yield any revenue, and Sir Robert Peel was forced to listen to the cry for cheap bread, though he was teased almost to fighting point by the fertile, bitter, and matchless sarcasms of Disraeli, who also said: "The time will come when the working classes of England will come to you on bended knees, and pray you to undo your present legislation."

At this moment, important changes of public opinion seem to be going on abroad, and the

ponderous octavos of Malthus, Ricardo, McCulloch, and Mill may have some repose. What may have been found expedient yesterday may be fraught with mischief to-day, and he that has no distrust of an inflexible free-trade hobby will turn out to be, unwittingly, perhaps, as has been well said, "a friend of every other country but his own," and find, at last, that he has rejected the solid school of experience, only to get astride of an imported catchword, vainly imagining he is bottomed on a scientific and universal principle. Daniel Webster declared, "I give up what is called the science of political economy. There is no such science. There are no rules on these subjects so fixed and invariable that their aggregate constitutes a science."

But English free-trade does not mean free-trade in such articles as the poor require, and must have, like tea and coffee, nor in tobacco, wines, and spirituous liquors. These articles they reserve for merciless exactions, all specific, yielding a hundred millions of revenue, and at three times the rate we levy on spirits, and more than five times the rate we levy on tobacco! This is the sly part of the entertainment to which we are invited by free-traders.

In 1880, Great Britain, upon tobacco and cigars, mainly from the United States, valued at \$6,586,520, collected \$43,955,670 duties, or nearly two-thirds as much as we collect from our entire importations of merchandise from Great Britain.

After all, is it not rather conspicuous hypocrisy for England to disclaim all protection, so long as she imposes twenty-nine cents per pound more upon manufactured tobacco than upon unmanufactured, and double the rate upon manufactured cocoa of that upon the raw? American locomotives are supposed to have great merit, and the foreign demand for them is not unknown, but the use of any save English locomotives upon English railroads is prohibited. Is there any higher protection than



prohibition? And have not her sugar refiners lived upon the difference of the rates imposed upon raw and refined sugars? On this side of the Atlantic such legislation would be called protection.

One of the cardinal principles of British free-traders is, "buy where you can buy cheapest, and sell where you can sell dearest;" and that is precisely what they mean. They expect to buy of us cheapest, and sell to us dearest. It is the only logical outcome of the whole policy. We are to be the victims of sharpers, whether we sell or buy. One-half of this resounding phrase, "buy where you can buy cheapest," often appears to touch the pocket-nerve of those who, having nothing to sell, derive their income from capital, or from a fixed salary, and they forget that their capital or their salary might have been much smaller, had it not been for the greater prosperity and compensation which protection has given to labor and to all business enterprises. Some part of this class are accustomed to make periodical journeys through foreign lands, and as they often bring home more or less of esthetic rarities, they feel aggrieved that such expensive luxuries, which, if cheap and common, would have had no attractions for them, often happen to be among the very tidbits upon which it is the fitting policy of a republican form of government to levy revenue. The tax falls upon those able to pay. No country on the globe sends out so many foreign travelers with a spendable surplus as the United States, or that scatter their money more generously, not to say extravagantly. English reciprocity in pleasure travel, however, like their often proposed commercial reciprocity, is comparatively jug-handled. They come singly; we go in droves and caravans.

But if foreign countries send comparatively an unequal number of visitors, tending to reimburse the abounding expenditures of Americans abroad, they do send us a far more numerous, if not valuable, company, who come

to stay, bringing both fortunes and affections, and adding, as they have added within the past two years, over 1,250,000 of brave hearts and willing hands to the productive forces of the country. Their tracks are all one way. None go back, and none come here as drones, for such stay away to absorb honey already stored; but the "tenth legions," so to say, of all the conscripted armies of Europe, in health and fit for any service, are rushing to our shores on the "waves of the Atlantic, 3,000 miles long," as volunteers for life. Were we to drop protection, this western exodus would cease, and the emigrants now here would be relegated to the same scale of wages from which they so anxiously attempted to escape.

These facts are pregnant arguments annually produced, upholding the American policy of protection, and show that those who expect to earn their living—tempted, it is true, by the highest rewards, and tempted by free schools for their children—know where to find the largest opportunities for the comforts of life, for happiness, and intellectual progress; and know also that America is not, and never intends to be, a trans-Atlantic Ireland, nor an agricultural back lot of Europe.

We have some worthy literary professors of free-trade, and some hacks who know their master's crib, "of quick conception and easy delivery," as John Randolph would have described them, who, having determined that the sun shall hereafter rise in the West, assume for their doctrines, like their English masters, the basis of absolute science, which they insist shall be everywhere accepted, regardless of all conditions, wants, or circumstances, as the latest revelation of economic truth; but free trade fails, shamefully fails, to stand the admitted tests of an exact science, as its results must ever be both an inconsistent quantity and incapable of prediction. It yields to the conditions of nations and of seasons, to war, to time, and constantly yields to facts. The blackboard

Eye of newt, and toe of frog,  
Wool of bat, and tongue of dog.  
\* \* \*  
Mingle, mingle, mingle.  
You that mingle may.

Free trade would almost seem to be an aristocratic disease, from which workingmen are exempt, and those that catch it are as proud of it as they would be of the gout—another aristocratic distinction.

science; but till then it must go uncrowned, wearing no august title, and be content with the thick-and-thin championship of the "Cobden Club."

There does not seem to be any party coming to rescue England from her isolated predicament. Bismarck, while aiming to take care of the interests of his own country, as do all ministers, on this question, perhaps, represents the attitude of the greater part of the farsighted statesmen of Europe, and he, in one of his recent parliamentary speeches, declared:

Practically the nations of continental Europe acquiesce in this opinion, and are a unit in their flat refusal of British free trade. They prefer the example of America. Before self-confident men pronounce the whole world of tariff men,

at home and abroad, "half-educated or half-witted," they would do well to see to it that the stupidity is not nearer home, or that they have not themselves cut adrift from the logic of their own brains, only to be wofully imposed upon by free trade quackery, which treats man as a mere fact, no more important than any other fact, and ranks labor only as a commodity to be bought and sold in the cheapest or dearest markets.

So long as statesmen are expected to study the prosperity and advancement of the people, for whose government and guidance they are made responsible, so long free trade theories must be postponed to that Utopian era when the health, strength, and skill, capital and labor of the whole human race, shall be reduced or elevated to an entire equality, and when each individual shall dwell in an equal climate, upon an equal soil, freely pasture his herds and flocks where he pleases, and love his neighbor better than himself.

At present the Russians, the Germans, the French, the British, and also most of the less populous nations are pitted against each other for empire, upon land and sea, and each and all are striving for the mastery in trade, arts, and manufactures, regardless as well of natural impediments as of the sentiments of their competitors. To this end they make war to extend or maintain territorial possessions, subsidize steamships around the world, push railroads across continents, tunnel mountains, open inland seas, and at last establish technological schools for the better instruction of their own skilled artisans. Never was keener foresight and overmastering earthly mindedness among all nations more alert and potential, directly, and indirectly, in securing those material advantages likely to win the profits of industry and trade, than in the nineteenth century. Some pay bounties on exports, a greater number have levied or advanced protective duties on imports; and no nation has directly

taxed her people more extravagantly, and solely for the benefits of her manufactures, than has Great Britain, by her costly and imperial maintenance of colonial and far off markets. Even China, powerless and docile, is persuaded with gunpowder to trade in cotton-stuffs, hardware, and opium—though it kills a half million of her opium eaters annually—and the British drum-beat of war is rarely hushed in India before it breaks forth in Africa, all for the benefit of the Manchester and Birmingham trade. The cost of their military and naval protection to commerce in the Mediterranean cannot be less than \$20,000,000 annually, a sum far transcending all possible gains upon their entire export traffic to the Mediterranean. In other places it is even worse. The expense of the military and naval forces on the West India station, it is fair to say, must often exceed the total value taken there of British exports.

To be unmindful of the movements of those whose rivalry is unescapable and everywhere present, is to consent to be vanquished, and to stand in their rear as inferiors forever. To lag behind, while all the world is on the move, is to accept the fate of the decrepit and dull-pated bison, who lingers on the prairie in the rear of the ongoing herd, only to be devoured by wolves.

We are no longer enduring the serfdom of colonies, but as a great republic, with a matchless destiny, we must prove American capacity, when intrusted with great affairs, able to cope with all rivals, and, if we have any, with all enemies, copying only their virtues and shunning their faults. Americans speak the English language, but it does not follow that our soldiers should wear red coats. We reverse Old England's common law, but it does not follow that we may flog our wives with a stick not bigger than our thumbs. We borrowed their trial by jury, but did not import the English tread-mill; nor should we transplant any other legislative exotics to an uncongenial soil. We

have to legislate for a continent, not for an island. Glad as we may be to somewhat abate taxation upon our own people, it will not be necessary to provoke the laughter of English statesmen at our imbecility by an abandonment of the policy of American protection.

Ireland, with its splendid harbors, once enjoyed a valuable export trade, and was the seat of prosperous manufactures; but these, after the union, losing protection and outrun under English competition, were completely extirpated by hostile, even vindictive legislation, and the Emerald Isle now only furnishes food for cattle, and potatoes for men. The question will not be impertinent to ask, when famines overtake their ill-starred people, "From whence comes earliest relief?" Protection answers, that "in America there is always something to spare."

Italy, in early ages the land of liberal arts, of heroes and poets, also once adorned the world with her manufactures in silks, gold, and velvet, and Genoa, Florence, and Venice flourished as the greatest of commercial cities but after the discovery of the New World domestic quarrels and the temporal rule of the clergy eclipsed all Roman and industrial ambition, and now, for ages past, classic Italy has only been able, beyond the beauty and grandeur of her natural scenery, to claim as her chief jewels the broken monuments of her ancient glories.

India is now, as once was Canada, the sure refuge of the cheapest and poorest wares and manufactures of its British conquerors, who throw almost as many obstacles in the way of Indian growth in the useful arts, as the same power one hundred years ago brought to bear against the American colonies. "If America," said Lord Chatham, "makes a stocking or a horse-nail, I would advise that she be made to feel the whole weight of England." The churchmen of England are more tolerant in India of Brahminism, than of the power-loom.

The sentiment of the people of India favored moderate protective duties on cotton fabrics, or such as would lead to the gradual restoration of home manufactures; but this sentiment finds little favor, and may be doomed to imperial subordination, for the reason that India has not asserted—has nobody to assert—that local independence which it might be dangerous to withhold from Canada, from New Zealand, from Victoria, or from New South Wales.

Almost every year the Crown of Great Britain gives its royal assent to colonial acts imposing fresh protective duties upon foreign manufactures, including British as well as all other, and yet the whole phalanx of British free traders alternately wheedle or denounce Americans for persisting in the same line of policy! Some of the members of Parliament, who may have advised the Crown to assent to frequent colonial protective tariffs in Australia and Canada, are disgusted with the great American nation, because it has not outgrown such folly, and traverse our country as itinerant preachers of a free trade gospel, which has no longer power to work miracles, or even to make converts at home!

The emancipated slaves of the South are not only better fed and better clothed than two hundred and fifty-two and one-half millions of the native population of India, each one barely made respectable by a yard or two of cotton cloth, but they are better fed, better clothed, and better housed than the average agricultural laborers of England or Ireland.

At home, from ocean to ocean, and from perpetual summer to perpetual winter, fifty millions of American people enjoy all the advantages of that free trade which is legitimate and beneficent, with no depressing effects upon domestic labor, nor upon the multiplied industries which now begin to decorate all portions of the American continent. Here, not the execrable cosmopolitanism lurking in the Brit-

ish theory, but true free trade reigns triumphant. The products of the fields, of the loom, and of the anvil, travel without a passport, everywhere meet to claim kith and kin, and yield to no pre-eminence, save that fairly won by superior merit. Over this large and unequaled area, and among these millions, free trade that is honest and unselfish has just and unlimited scope. Its benefits fall upon American citizens, one as much as another; upon our own household, rather than upon aliens and strangers, or those who, possibly, when the next war-trump sounds, may not be among our friends, and some of whom, till then, would encourage that sort of trade which must hold us forever dependent upon the inconstancy of foreign markets. Our laws are even denounced as "barbarous," because they do not open and perpetuate an exchange of two days' work in Illinois or Vermont for one in Birmingham or Manchester. They have piped unto us and we have not danced.

How different are the regulations of some other countries, even of France, where internal taxation is to be met at every step. A chicken, a bottle of wine, or a basket of fruit or vegetables cannot be taken from one town to another without the payment of a special *octroi* duty. This amounts in the aggregate to about three hundred million francs annually, and has been collected for more than one hundred years past. We hardly appreciate the convenience of American free trade over our immense territory, until we see how some foreign farmers are hailed at every step for tribute. The *octroi* is also enforced in Austria; and, let me add, the system prevails all over India, where Great Britain, never forgetting the power of the conqueror, governs as she pleases. Towns and municipalities there obtain their principal revenues from this petty system of tariffs, enacted by multitudinous and petty localities of an ostentatiously free trade empire.

All the markets around the world do not

furnish, even to Great Britain, one-third part of that constant and healthful trade we may ever rely upon at home; and, but for this home market, our farmers would be unable to buy foreign manufactures at any price. They would have no surplus to spend. British policy caters to foreign incapables. Our policy looks up to and trusts robust ability at home.

But we place no obstacles in the way of finding a market at home or abroad for all articles of American growth or production. Trade in all such articles is wholly untrammelled. No export duties can be imposed in the face of the constitutional inhibition. Other nations may buy of us all they please, free from any export duties, though this freedom is far from being reciprocated. Sugars are subjected to an export duty in the British West India Islands, as well as in Cuba; Mexico exacts an export duty on silver; Australia and New Zealand, on gold; India, on rice and indigo; Chili, on guano; France, on rags; Canada, on timber and shingle bolts. In India, salt is a government monopoly protected by an enormous duty; and over forty-two million dollars of revenue is annually obtained on the monopoly of opium exported to China. Most certainly export duties are wholly antagonistic to free trade, and no less an impediment than duties on imports. Their tendency is to greatly discourage home production, which duties on imports do not. Is it not enough that all American out-going trade, more than half of the whole, ever has been and ever must be wholly and absolutely free? Our free trade is something in the right place; but British free trade is like Lord Palmerston's witty definition of dirt—"something in the wrong place."

In Great Britain, where so-called free trade has had its loudest support, in addition to the inconsistencies I have mentioned in point of practice, there is little free trade in gold, as the Bank of England is clothed with protective power to intercept its flow outward by raising the rate of interest, which is practically equivalent

to a prohibitory export tariff. Nor have they free trade in land, far more important than free-trade in iron, cotton, or wool; but transfers are hedged in either by perpetual hindrances or by expensive difficulties, too great to be overcome. A large part of the land being entailed, can neither be sold nor pledged as a basis of credit, upon which even to make improvements, and it passes from one generation to the next by hereditary descent, and by the laws of primogeniture. Though they may be life estates, they are grotesque caricatures upon any idea of true ownership. Land is thus mainly a first-class monopoly, and now, as ever, the ancient and unimpaired feudal prop of the aristocracy. In India it is much worse, for there the British Government holds the perpetual proprietorship of all land as the conqueror, and collects an annual rental upon every cultivated acre. A regular appropriation for famines, made annually in advance, is a sufficient commentary.

In America, however, not only is there entire free trade in land, from the Atlantic to the Pacific, to buy or to sell, to lease or to hypothecate, but we offer land to all the landless, a free homestead forever, to every one having the will and strength to go and occupy it. Nor is it at last subject to tithes for the support of an established church by those who do or do not subscribe to its faith. Such is American free trade.

Another great restriction upon the freedom of trade in Great Britain is that tobacco, cigars, and wine, and some other articles, are not allowed to be imported, except into such ports as shall be approved by the commissioners of customs.

A very large proportion of the duties imposed upon foreign merchandise has to be met by foreign concessions in prices. A removal of existing duties is often followed by almost an equal rise in foreign prices. We have experience of our own which forcibly illustrates these facts. The duty on Bessemer steel did

not increase the selling price. The repeal of the duty on coffee did not diminish the cost; nor did the hasty repeal of the duty on quinine greatly benefit the American consumer. If Americans pay all tariff duties, why are English free traders so sublimely anxious for their repeal.

The test of profitable farming is the state of the account at the end of the year. Under free trade, the evidence multiplies that the English farmer comes to the end of the year with no surplus, often in debt, bare and discontented. Their laborers rarely know the luxury of meat, not over sixteen ounces per week, and never expect to own a rood of the soil.

But under the protective policy, the American farmer holds and cultivates his own land, has a surplus at the end of the year for permanent investments or improvements, and educates and brings up his sons and daughters with the advantages and comforts of good society. There are more American houses with carpets than in any other country of the world. I believe it will not be disputed that the down-trodden tillers of the soil in Great Britain, are not well fed; that they are coarsely underclad, and that for lack of common school culture they would hardly be regarded as fit associates here for Americans who drive their teams afield, or for the young men who start in life as laborers upon farms. The claim that free trade is the true policy of the American farmer would seem to be, therefore, a very courageous falsehood.

It is an unfortunate tendency of the age that nearly one-half of the population of the globe is concentrated in cities, often badly governed, and sharply exposed to extravagance, pauperism, immorality, and all the crimes and vices which overtake mankind reared in hot-beds. I would neither undervalue the men of brilliant parts, nor blot out the material splendors of cities, but regret to see the rural districts depopulated for their unhealthy aggrandizement. Free trade builds up a few of these custom-

house cities, where gain from foreign trade is the chief object sought, where mechanics, greater in numbers than any other class, often hang their heads, though Cræsus rolls in Pactolian wealth, and Shylock wins his pound of flesh; but protection assembles artisans and skilled workmen in tidy villages and towns, details many squadrons of industry to other and distant localities, puts idle and playful waterfalls at work, opens, builds up, and illumines, as with an electric light, the whole interior of the country; and the farmer of Texas or of New England, of Iowa or of Wisconsin, is benefited by such re-enforcement of consumers, whether they are by his side or across the river, at Atlanta or South Bend, at Paterson or at Providence. The farmers own and occupy more than nineteen-twentieths of our whole territory, and their interest is in harmony with the even-handed growth and prosperity of the whole country.

There is not a State whose interests would not be jeopardized by free trade, and I should like to dwell upon the salient facts as to Missouri, Kansas, Indiana, Alabama, Illinois, and many other States, but I shall only refer to one. The State of Texas, surpassing empires in its vast domains, doubling its population within a decade, and expending over \$20,000,000 within a year in the construction of additional railroads, with a promised expenditure within the next fifteen months of over \$27,000,000 more, has sent to market as raw material, the past year, 12,262,052 pounds of hides, 20,671,639 pounds of wool, and 1,260,247 bales of cotton. Her mineral resources, though known to be immense, are as yet untouched. Her bullocks, in countless herds on their way to market, annually crowd and crop the prairies from Denver to Chicago. But now possessed of a liberal system of railroads, how long will the dashing spirit of the Lone Star State—where precious memories still survive of Austin, of Houston, of Rusk, and of Schleicher—be content

to send off unmanufactured her immense bulk of precious raw materials, which should be doubled in value at home, and by the same process largely multiply her population. With half as many in numbers now as had the original thirteen, and soon to pass our largest States, wanting indefinite quantities of future manufactures at home, Texas should also prepare to supply the opening trade with Mexico, in all its magnitude and variety, and far more worthy of ambition than in the golden days of Montezuma.

No State can run and maintain railroads unless the way stations, active and growing settlements and towns, are numerous enough to offer a large, constant, and increasing support. The through business of long lines of railroads is of great importance to the termini, and gives the roads some prestige, but the prosperity and dividends mainly accrue from the local business of thrifty towns on the line of the roads. It is these, especially manufacturing towns, which makes freight both ways, to and from, that free trade must ever fail to do, and while through freights, owing to inevitable competition, pay little or no profit, the local freights sustain the roads, and are, and must be, the basis of their chief future value. Without this efficient local support, cheap and rapid long transportation would be wholly impracticable.

The Southern States, in the production of cotton, have possibly already reached the maximum quantity that can be cultivated with greatest profit, unless the demand of the world expands. A short crop now often brings producers a larger sum than a full crop. The amount of the surplus sent abroad determines the price of the whole crop. Production appears likely soon to outrun the demand. Texas alone has latent power to overstock the world. Is it not time, therefore, to curtail the crop, or to stop any large increase of it, while sure to obtain as much or more for it, and to turn unfruitful capital and labor into other and

more profitable channels of industry? The untrodden fields, where capital and labor wait to be organized for the development of Southern manufactures and mining, offer unrivaled temptations to leaders among men in search of legitimate wealth.

The same facts are almost equally applicable to general agriculture, but more particularly to the great grain-growing regions of the West. A great harvest frequently tends to render the labor of the whole year almost profitless, whenever foreign countries are blessed with comparatively an equal abundance. The export of corn last year, in October, was 8,535,067 bushels, valued at \$4,604,840, but the export of only 4,974,661 bushels this year brings \$3,605,813. An equal difference appears in the increased value of exports of flour. A much larger share of crops must be consumed nearer home, if any sure and regular market is to be permanently secured. The foreign demand, fitful and uncertain as it is, rarely exceeds one-twentieth of even the present home requirements, and the losses from long transportation, incident to products of great bulk, can never be successfully avoided except by an adequate home demand.

Farmers do not look for a market for grain among farmers, but solely among non-producing consumers, and these it is greatly to their interests to multiply rather than to diminish, by forcing them to join in producing or doubling crops for which there may be an insufficient demand. Every ship-load of wheat sent abroad tends to bring down foreign prices; and such far-off markets should be sought only when the surplus at home is excessive, or when foreign prices are extraordinarily remunerative.

The wheat regions of the West, superb as they undoubtedly are, it is to be feared, have too little staying character to be prodigally squandered, and their natural fertility noticeably vanishes in the rear, unless retained by costly fertilizers, almost as rapidly as new fields

open in front. Some of the Middle States, as well as the New England, though seeking fertilizers far and near, already look to the West for much of their corn and bread; and there is written all over eastern fields, as western visitors may read, the old epitaph, "As we are now so you may be." It will take time for this threatened decadence, but not long in the life of nations. The wheat crop runs away from the Atlantic coast to the Pacific, and sinks in other localities as it looms up in Minnesota, Nebraska, and Dakota. Six years of cropping in California, it is said, reduces the yield per acre nearly one-half.

There was, in 1880, devoted to wheat culture, over 35,000,000 acres, or nearly double the acreage of 1875. In twenty-five years 100,000,000 people will more than overtake any present or prospective surplus, and we may yet need all of our present magnificent wheat-fields to give bread to our own people. Certainly we need not be in haste to slaughter and utterly exhaust the native fertility of our fields on the cheap terms now presented.

England, with all her faults, is great, but, unfortunately, has not room to support her greatness, and must have cheap food, and be able to offer better wages, or part with great numbers of her people. I most sincerely hope her statesmen—and she is never without those of eminence—will prove equal to their great trust and to any crisis; but we cannot surrender the welfare of our Republic to any foreign empire. Free trade may, or may not, be England's necessity. Certainly it is not our necessity; and it has not reached, and never will reach, the altitude of a science. An impost on corn there, it is clear, would produce an exodus of her laboring population, that would soon leave the banner of Victoria waving over a second-rate power.

Among the nations of the world the high position of the United States was never more universally and cordially admitted. Our rights



are everywhere promptly conceded, and we ask nothing more. It is an age of industry, and we can only succeed by doing our best. Our citizens, under a protective tariff, are exceptionally prosperous and happy, and not strangers to noble deeds nor private virtues. A popular government based on universal suffrage will be

best, and most certainly, perpetuated by the elevation of laboring men through the more liberal rewards of diversified employments, which give scope to all grades of genius and intelligence, and tend to secure to posterity the blessings of universal education, and the better hope of personal independence.



## GEORGE H. PENDLETON.

**A**MONG the foremost of the names of those who have been prominent in the history of our country for the past twenty-five years, stands that of George H. Pendleton. He was born in Cincinnati, Ohio, July 19, 1825. His grandfather, Nathaniel Pendleton, was a friend of Alexander Hamilton, and filled the position of second to him on the occasion of his fatal duel with Burr. His mother was a daughter of Jesse Hunt, one of the leading pioneers of the earliest settlement of Ohio. His early education was carefully looked after. For two years he attended Woodward High School, in Cincinnati, and afterwards attended a school conducted by O. M. Mitchell, and the Cincinnati College. From 1841 to 1844 he enjoyed the instruction of the best private tutors at his father's residence.

In 1844 he went to Europe, where he remained two years, which time was spent in careful study and observing travels. He returned to America in 1846, and was soon married to a daughter of Francis S. Key, author of "The Star Spangled Banner." The next year he was admitted to the bar, and formed a

partnership with George E. Pugh, which continued until 1852. In 1853 he was elected, as a Democrat, to the State Senate, and rose rapidly in public favor.

In 1854 he ran as a candidate for Congress, but was defeated; two years later, however, he was more successful, being chosen to represent his district in Congress, and was honored with successive renominations and re-elections.

In his whole public life, during this trying period, he was a careful and thorough student of the great questions at issue between the sections. He desired, above all things, to avoid war, but, if that measure became necessary, he advocated its vigorous prosecution.

In 1864 he was the candidate for Vice President on the ticket with General McClellan. In 1866 he was again a candidate for Congress, but was defeated. Two years later the Democratic party of Ohio pressed him as its choice for the Presidency, and his name has been prominently mentioned in every presidential campaign since that time. He is one of the strongest men in his party, and one of the best versed in national affairs. In 1869 he was the Democratic candidate for Governor of his State, but failed of



GEORGE F. PECK



an election. For a number of years succeeding he devoted himself to the practice of his profession, but continued to take an active part in political matters, both State and National.

In 1878 he was elected to a seat in the United States Senate. He took his seat March 4, 1879, and at once took rank

as one of the foremost men of that body. He is hardly to be called an extremist, but is calm and reasonable, holding the close attention of those who oppose him as well as of his friends. Mr. Pendleton has had great influence in the national councils, and in shaping the course of legislation since entering the Senate.

### CIVIL SERVICE REFORM.

*Mr. Pendleton's Speech, delivered in the United States Senate, Dec. 13, 1881.*

MR. PRESIDENT: I shall speak to-day of the civil-service, and advocate its reform.

The offices of the government—those involving neither political power nor the choice of policies, but routine administration only—touch at some point, and in some degree, the material interest of every one of our fifty millions of people. To say that the men best fitted for the work should be appointed to these offices, and should hold them until men still better fitted should appear, is to utter a truism which not one of these fifty millions will controvert. And yet it has come to pass that the unanimity in admitting this truth in words, is only equaled by the unanimity in disregarding it in action. It has come to pass that the offices are dealt with as the prizes of partisan activity; as the rewards to be distributed to active, faithful henchmen, by party chiefs of high or low degree, to be held until the salary, or emolument, or honor, shall have furnished a sufficient compensation, and then to be given to another partisan worker, who has performed greater, or later service. This practice has permeated every part of our government—Federal, State, county, township, and municipal. It

reaches every appointive office. It involves every officer, almost every man supposed to have influence with the appointing power. It affects the appointment and tenure as well of the laborers on the streets as of the members of the Cabinet.

I need not particularize. The universal rule—if there be any exception, it only emphasizes the rule—is service and office, partisan work, and official salary as pay, and change in the office holder as soon as the salary shall have paid for the work, or a better or newer worker appears.

This is the spoils system. The name explains it. The name opens up to every thoughtful man, nay, to every man who will see even without thinking, a vision of wrong, injustice, brutality, wastefulness, recklessness, fraud, speculation, degradation of persons and of parties, which has driven from public life much of the cultivated intellect and refined morality of the country, and fills even the most hopeful mind with sadness for much in the present, and grave anxiety for the future.

Shall I illustrate?

Last summer, the President of the United

States, leaving his house in company with his sons, his friends, and his Cabinet, for a brief respite from the cares of his great office, without a body-guard of detectives, or police, or soldiers, as becomes the Chief Magistrate of a Republic, entered a railroad depot to take the train. He was shot down by an assassin.

The whole people was shocked by the incident. Its great heart was profoundly touched by the magnitude of the crime, the calm fortitude of the sufferer, the splendid courage and heroic tenderness of his loving wife, herself faint and ill from disease, and by the sudden fear of imminent and unknown perils to the Republic. The people watched with intense solicitude the progress of the President's illness. Their keen anxiety, their tender sympathy were unbounded during those months of harrowing suspense. Throughout that long-continued and fearful strain on their patience, in the very spirit of self-government, they were calm, self-contained, prepared for any emergency, believing that in the midst of danger is the place for the deliberate performance of duty.

I will not dwell on the character of the President. All will agree with me that he was singularly gentle and considerate in his manners, and that he would refuse a request or reject an application in such terms as not to aggravate the pains of disappointment. I will not dwell on the character of the crime, or its possible effects on our institutions and habits of thought. These topics, however interesting, are not in my line of thought to-day. What influences contributed to the commission of that crime? How can they be eradicated?

I indulge in no surmises. I take the case as it appears on the surface. A man of ordinary intelligence, of ill-balanced mind, a bitter partisan, a speaker of some fluency, a writer of sensations, of small pecuniary resources, averse to labor, casting about for a support with plenty to get and little to do, desired an office.

Thereupon, professing to be an ardent politician, to have been of service in the canvass then lately concluded by a victory for the Republican party, he invades the Department of State, and beseeches a consulate. He invades the White House, and, failing an interview, he writes letters of sympathy with the President in the factional fights of his party. Still failing in his purpose, he, in his wrath, espouses the cause of the opposing faction, and, arming himself, shoots down the President who would not give him an office or instruct his Secretary to do so. I do not stop to enquire whether he uttered the words attributed to him: "I am a stalwart, and now Arthur will be President." The fact is patent that he wanted an office, and did not get it, and he believed the President was responsible for his failure. He wanted a new deal, a new distribution of offices. He believed that a new President would make a new distribution, and that he would have another chance. The desire for office—the belief that he had earned it—the belief that the President could, and ought to, divide the spoils among the victors—the brutality of our politics, which traduces character and villifies motives, whenever a difference of opinion or action exists—these made this crime possible; these made it possible for the assassin to assert that he thought he was doing his party and his country a service; these are the festering beds in which such fools are born into such madness, and such schemes of wicked deviltry are hatched.

The act of Guiteau is exceptional; the causes which contributed to it are imbedded in our system, and are ever present.

Instinctively the people, without distinction of party, traced the source and significance of Guiteau's act. They found it in our system of administration. Their intelligence was made keenly active. Their conscience was awakened. Their sensibility was touched. It needs but little guidance to lead them to the determina-

tion, by law and by a public opinion stronger than law, to destroy this office-giving and office-seeking system. That system is the real assassin of Garfield.

The idea that one hundred thousand offices, purely administrative, almost absolutely clerical in their nature, paying \$100,000,000 a year, are to be distributed by the President, and his appointees, after every election, and as often during his term as the rapacity of place-hunters can persuade or force him, as the rewards of partisan service to be earned by mere personal activity, or contribution of money, is a crime against the civilization of the age. It is the prolific parent of fraud, and corruption, and brutality. It sets up the emoluments of office as the prize of party struggles and the stimulant of partisan effort; and the love of money induces a ferocious activity in the pursuit of party success, which is the condition of getting office.

Necessarily, by the logic of the system, which is stronger than the determination of good men, however strong they may be, in its farthest ramification, it awards the highest comparative prizes to those who have done the most of the dirtiest work of our lowest politics. It makes our Presidents and our Secretaries peddlers of office, and diverts their time and attention from a wise and faithful discharge of the high duties with which they are charged. The President in his delirium exclaimed in a tone of agony: "Do tell that crowd of office-seekers I cannot see them to-day—I am so sick." This incident was exquisitely touching—it was a burning reproach to the system.

This system drives Senators and Representatives into such positions that, not only do they neglect the chief duty of legislation, but too often they are tempted by their friends and supporters, and are almost coerced to make support of an administration, conditional upon obtaining offices for their friends.

Nor is this all, or even the worst. This ap-

peal to love of money and love of patronage, as the stimulants to exertion, creates a fierce and brutal party spirit, which stops at no wrong in the accomplishment of its end. It makes an intelligent exercise of the elective franchise impossible. It makes a free election and a fair count impossible. It levies contributions on the salaries of all the offices, and expends the vast sums thus collected in corrupting the voters. It lowers the tone and degrades the sentiment not only of the public men, but, more important still, of the whole people behind them.

Of the former class, under this system, Joseph Quincy said: "Creatures who, under pretense of serving the people are, in fact, serving themselves; \* \* \* creatures who are, in truth, spending their time mousing at the doors of the palace, or the crannies of the Departments, and laying low snares to catch for themselves or their relatives every stray office that flits by them; \* \* \* who openly abandon their duties, and set their places and their consciences to sale, in defiance of the multiplied, strong, and tender ties by which they are bound to their country. \* \* \* Why, sir, the clamor of the craving animals at the Treasury trough is heard in this Capitol. Such running, such jostling, such wiggling, such climbing over one another's backs, such squealing because the tub is so narrow, and the company is so crowded!"

To-day in this Capitol, under a Republican administration, that description by Mr. Quincy is true to the letter.

This system has impaired the efficiency of the service. A single example will illustrate. During 1,565 consecutive secular days prior to 1871, the removals in the Custom House in New York numbered 1,678; more than at the rate of one for every day, for nearly five years. Well may Mr. Eaton exclaim:

"Think of the skill, experience, and business capacity required to value all the varied pro-

ductions of the world, which make up this vast aggregate, and of leaving such duties to a perpetually shifting force of New York working politicians, headed by a New York partisan chieftain. Was there ever such a parody on government? Will posterity believe the facts?"

The result was such as ought to have been expected. Bribes were accepted. Elections were coerced. Numbers of unnecessary officials were employed. Money was extorted from merchants. Smuggling and undervaluation took place. In 1874 it cost the United States nearly \$7,000,000, to collect duties on less than \$700,000,000 of imports, while in the same year it cost Great Britain only \$5,000,000 to collect the duties on \$1,800,000,000 of imports. I refer to the excellent work of Mr. Eaton on this subject; also to a statement by Secretary Windom.

The system of appointment and removals has prevented the most worthy from entering the service; has kept those within it in ceaseless anxiety. It has discouraged fidelity. It has invited the disreputable and incompetent to press for place. It has degraded the tone of the service. It has debauched the public morals. It has disturbed the public peace. It has kept the country in turmoil for months, on the question, who should collect the customs in New York. It has induced a judge of the District Court of the United States to write to the President the following letter. This judge holds his office "during good behavior:"

"The exigencies of our canvass in this State, to which you and other Republicans look with so much confidence for the overthrow of Bourbonism, and the gain of a Republican in the United States Senate, \* \* \* lead me to indorse and urge the appointment of Mr. Stratham for the post-office in this city. \* \* \* Both father and son are actively engaged in the canvass, and his appointment could not fail to cement our coalition, and advance the prospects of our ticket, State and country."

It has made Guiteau a possible aspirant for office, and assassination a possible vengeance for his disappointment.

These are the fruits of the spoils system. If good, and true, and faithful, and capable men are found in the public service in the Departments and elsewhere, as they certainly are, it is in spite of all these tendencies.

We must supplant this system—we must chase it out with hue and cry. In its place we must put the other and better system, founded on the idea that public offices are public trusts, to be administered solely for the public good; that the fittest men shall administer them until still fitter and better men shall be found; that offices have no right to be, except that the faithful execution of the duties attached to them is necessary to the public welfare, and the maximum of efficiency and the minimum of cost constitute the only condition on which they should exist.

We must establish the idea that the business of fifty millions of people must be transacted by business men, on business principles, and all the more rigidly and faithfully, because it is the business of the people.

If vacancies were to be filled only by the one man, whom proper, intelligent comparison, based on competition, should show to be the fittest, irrespective of personal influence or action, how little would be the pressure for removals! If removals were only for cause of inefficiency or unfaithfulness, or because another was shown to be fitter and better, how little would be the scramble for office!

This is the merit system. It appoints men who are honest, capable, and faithful. It keeps in service those who are proved to have such qualifications. It would open the subordinate civil service to all who choose to aspire. It would fill that service with the men proven to be the best by fair competition. It would elevate the tone of all aspirants, by making them feel that they owe nothing to patronage, but



all to merit. It would make that service tenfold more efficient. It would greatly reduce expenses. It would set up the adoption of principle, and not emolument, as the prize of party struggle. It would destroy the dangerous quality, even if it should not sensibly moderate, the zeal of party spirit. It would consign politics to men of higher aspirations and nobler aims. It would elevate the motives, and therefore the tone, of party strife. It would raise the temper and style of public partisan discussion. It would eliminate the brutality of our politics. It would leave to our President, and Secretaries, and Congressmen time and heart for their high duties.

The merit system would do all this. It would do more. Its beneficent spirit would give to merit the highest rewards; and would, therefore stimulate excellencies into competition. It would demand and stimulate a higher grade of intellectual and political education. It would, in time, reach popular elections and appointments to the offices which dictate policies. It would reach the popular opinion, and through it stamp out all interference with a free ballot and a fair count, whether by fraud, or force, or intimidation of voters. It would put an end to political assessments, and the expenditure of immense corruption funds. Like Jacob's ladder, its foot would be on the earth, its top in the heavens, and angels, bearing public blessings, would descend upon it. It would realize the aspiration of the convention of Massachusetts which, far back in the olden times, ordained the provisions of its Constitution "to the end that it may be a government of laws, and not of men."

Fear, Craft, and Avarice,  
Cannot rear a State.  
Out of dust to build  
What is more than dust—  
Walls Amphion piled  
Phœbus 'stablish must.

I will not weary you with details of the excellent result of this system, wherever it has

been tried. The postoffice of New York demonstrates its success. It is to be regretted that public rumor has lately connected that office, otherwise so well managed, with assessments for political purposes. The occasional and imperfect attempts to practice it in the other public offices of New York, bear their testimony in the same direction. The Interior Department, under Mr. Schurz, the Census office, under General Walker, are witnesses in its behalf.

Are we to be told that this spoils system is so strongly intrenched in the affections, or the prejudices, or the habits of our people, that we cannot eradicate it? I point to our early history. This was not the system of the Constitution. This was not the system of the fathers. It is only fifty years old.

I point you to the history of England. The spoils system had been carried to perfection there. Its evils had been aggravated by the fact that it had entered the church and the army, as well as the civil service, and by the further fact that the nobility and hierarchy monopolized the spoils. Look into Trevelyan's life of Charles James Fox. Read Macaulay's history from the accession of William. Look, with wonder, on the unparalleled robbery of the government and people. And yet, after one hundred and fifty years of luxuriant growth, while the nobility, and the ministry, and the members of Parliament were in the full enjoyment of the patronage in Church and State, in the face of an adverse Parliament, in May, 1855, Lord Palmerston, by an order in council, cut up the system, root and branch, and introduced competitive examination. Parliament, by direct vote, condemned the change. The ministry persevered, enforced the order in council, made examinations, appointed according to merit. In less than one year, Parliament reversed its condemnation, and volunteered to make any appropriation which should be found necessary, and in less than two years,

Parliament, by a unanimous vote, declared that the system ought to be extended to the whole civil service. It has been so extended. Gladstone lately, in his place in the House of Commons, declared, amidst applauding cheers, that the full extent of his patronage was the appointment of his own private Secretary.

I do not say that the British system is entirely suited to our conditions. The tenure of office, the age of entrance, the retiring pension, the establishment of an official class, by encouraging young men to enter, and providing them for life, perhaps, cannot, and ought not to be transplanted here. But I do say the history of this change of system in the British Empire presents to us a splendid example of self-denial, and courage, and power in eradicating an acknowledged abuse.

Shall we be told that our people, our government, our Executive, cannot do as much in this direction as the Parliament and ministry of Great Britain have so successfully accomplished in the last twenty-five years?

The bill, which I have had the honor to introduce now for the second time, aims to effect a similar change in the subordinate civil service of our government. The importance of the subject, the imperative demand for some improvement, will secure the most earnest attention on the part of Senators to the purposes and methods of the bill. I know the purposes are good; I believe the methods will prove efficient. But it is in no spirit of narrow partisanship in its behalf, no spirit of devotion to the success of the measure, rather than to the success of the cause, that I approach this discussion. I invite comment. I invite criticism. I would be glad to see the bill improved; but I do most sincerely urge Senators to give it their support, and to put this measure on fair trial if none better shall appear in this debate. Its scope is very limited; its provisions are very simple.

I beg Senators to observe that its provisions

do not apply to officers elected by the people; or to officers appointed by the President and confirmed by the Senate; or to officers of the Army, or Navy, or the Judiciary; or to officers in the post-offices or custom-houses where the number of clerks does not exceed fifty, or to laborers. They do not apply to those officers who may exercise political power, who may dictate policies, whose efficient corporation may be essential in carrying into effect the theories or policies of parties.

They apply only to that immense body of subordinate officials, clerical and administrative, whose duties under every administration would be the same, who could not under any circumstances, in the proper exercise of their functions, affect in the slightest degree the political programme of the party in power. They apply only to that body of "inferior officers" whose appointment may, by the terms of the Constitution, be vested in the President alone, in the courts of law, or the heads of departments.

They do not apply to any, even of this class, who are now in office, except in the case of promotion. All present incumbents are left undisturbed until their term of office shall expire, or they shall be removed.

This bill does not touch the questions of tenure of office, or removals from office, except that removals shall not be made for refusing to pay political assessments, or to perform partisan service. It leaves both where it finds them.

The single, simple, fundamental, pivotal idea of the whole bill is, that whenever, hereafter, a new appointment or a promotion shall be made in the subordinate civil-service, such appointment or promotion shall be given to the man who is best fitted to discharge the duties of the position, and that such fitness shall be ascertained by open, fair, honest, impartial, competitive examination. The impartiality of these examinations is to be secured by every safeguard which the wit of man can devise. They

are to be open to all who choose to present themselves. They will be tests of the fitness of the applicant for the particular place to which he aspires. A copying clerk will not be examined in astronomy; an accountant will not be examined in constitutional law; a mail distributor will not be examined in mineralogy; a weigher or guager, in natural history. The suggestion to the contrary, accompanied by a sneer, which we so often hear, savors rather of ignorance in the objector than defect in the examination.

Senators will see that this bill concerns itself only with the admission to, and promotion in, the civil service. To this single idea its framers have postponed every other consideration. They have sedulously avoided every constitutional objection. They provoke no conflict with the constitutional power of appointment, for they have made its provisions apply only to "inferior officers," whose appointment may be vested in the President alone, or the courts, or heads of departments, according to the discretion of Congress, and, therefore, may be vested with limitations. They provoke no conflict with the constitutional power of removal from office. They avoid the delicate and difficult question of the duration of official terms. They respect the susceptibility of the President, by requiring that the rules shall be submitted to him, and become valid only on his approval and promulgation. They wisely thought that if every future vacancy should be filled by the appointment of the one man, in fact, the best fitted to discharge the duties, all other questions would soon settle themselves; that, if no amount of pressure or patronage, however great, could avail to put a favorite into a vacancy, little wrongful pressure or patronage would be used to make a vacancy.

I have read with interest the President's suggestions on this subject. He wisely points out early entrance, long service, and retiring pensions, as essential features in the British

system, and doubts whether, in their absence, competitive examinations and promotions only from the lower grades could be so rigidly enforced here. The Commission is directed to consult the President, in order to have the benefit of his wisdom and experience, and is empowered to establish exceptions to the rules, in order to make the system conform to our conditions. The probation is intended to test the fitness in point of character, temper, manners, executive capacity, of those who have successfully passed the examinations. Every suggestion of the President may be adopted under the provisions of this bill.

I repeat, because I desire it to be distinctly understood, that this bill provides only for the future appointment of subordinate officers in the departments and the great post-offices and custom-houses, and seeks to make the highest ability to perform the duties—not patronage, not favor, not partisan services, not the contribution of money, not even general good character—the conditions of securing such appointment. If this reform shall prove successful—if these hundred thousand offices shall be filled with the men most capable to discharge the duties; especially, if these hundred thousand offices, these hundred millions dollars can be eliminated from the prizes for which these and many more hundred thousand men contend with such unscrupulous ferocity at every Presidential election, a public opinion, irresistible as the tornado or the earthquake, will demand that a reform alike in quality, though not by the same methods, shall be made in appointments by the President and confirmations by the Senate, and even in elections by the people.

It is objected that this bill does not grapple with the questions of terms of office, and the power of removal.

I have sufficiently indicated the constitutional difficulty which may arise, and the wisdom of avoiding it. But there is no necessity for entering upon either of these questions. The

class of officers with which we are now dealing holds office at the pleasure of the head of the department, or the local postmaster, or collector. Removals are rarely asked for under the spoils system, except to make a vacancy for a particular man. If another man is to be put in, especially if that other man be the favorite of nobody—be recommended by nobody—be the partisan servitor of no person and no party, if he be simply the most capable and fit man for the place, demands for removal will be made only for cause; and then the demand should be heeded. Under the merit system of appointment, the question of removal will be solved without legislation.

Many very ardent friends of civil-service reform are opposed to what they call the establishment of "an official class" among the people; they advocate a fixed term for all officers. It will be time enough to argue and settle that great question when it shall have become the fixed policy of the government and the law of the land, that the best men shall be appointed to all offices, be the term long or short, fixed or uncertain. For the present, without expressing any opinion, or committing its supporters in any degree, this bill leaves the subject untouched.

"Why competitive examinations?" ask the objectors; "the machinery is cumbersome and expensive."

Simply because the system of pass examinations has proven an utter failure. Examinations of this character are required by law for admission into the departments at Washington. But they are not uniform; they have no consistency. Neither the scope of the examination, nor the office of the examiner, nor the persons who may apply, are defined by law or rule. All such questions are left to the head of the department, who usually confides their determination to a subordinate. Under the demand for office, under the pressure for patronage engendered by the spoils system, these examinations have, in the main, been either

entirely neglected or reduced to a mere sham. Men of influence and power have insisted that their favorites should be put into office, and the Secretaries, unsupported by the law, have found themselves unable to withstand.

But if such examinations were tenfold more efficient than they are, the element of competition is excluded. Admission to examination is not open to all; it is secured only by personal favoritism or political influence—only by favor for, or fear of, the applicant or of his political partisan backers. There can be no comparison of merits. The best and fittest man for the place cannot be ascertained. John Stuart Mill said truly, "Such examinations suffice only to exclude dunces."

The notable exceptional cases of the New York post-office, and the Interior Department under Secretary Schurz, I have already mentioned; and I submit that they prove that "inestimable good" would follow if the system of examination were made compulsory, competitive, and of general application to all the officials with whom the bill deals.

The senior Senator from Massachusetts (Mr. Dawes) has discussed this subject at length in another forum. He has brought to its consideration his accustomed candor, and vigor, and eloquence; he has most vividly portrayed the evils of the spoils system, the degradation of the service, the absorption of the time and attention of the President and members of Congress, the unfitting them by these petty harassing cares for the faithful discharge of their great duties, the demoralization of the constituencies. He has pointed out the dangers to which they lead, and the "incalculable value" of a reform. He has examined critically this bill. I need not say that his acute intellect has discovered, and his trenchant rhetoric has laid open, every weakness in it. He has candidly approved its purpose, and spirit, and general scope; he has approved the system of competitive examination.

I shall have occasion to use frequently the name of the Senator to-day, and freely to comment on his position. I shall do so with all respect, as he well knows; without the least disposition to provoke antagonism with him, or rashly to invite an unequal contest, but simply because, while he sympathizes deeply with the aims and purposes of a true reform, he has made the most efficient attacks upon the methods which the friends of this bill generally believe to be most practicable.

He objects to the machinery of the commission, with its examiners and boards, as cumbersome and expensive. My answer is simple. I lay no stress on the machinery. I am not wedded to it. Suggest improvements, suggest a substitute simpler, more economical, which will accomplish the purpose of compulsory competitive examination on a coherent and general uniform system, and I will aid in securing its adoption. Unless this can be done now, let us adopt this machinery, at least until experience shall exhibit its defects and the remedy.

The learned Senator also objects that the power given to the commissioners, and under them to their examiners and boards, to determine who of the applicants are the best fitted to discharge the duties of the coveted places, does, in fact, intrust to them the key to entrance to the public service, and enables them to open or to shut the door for individuals at their pleasure. I submit to his candor whether he has not grossly exaggerated the statement of the objection, and whether any system of competitive or pass examination, and the resulting appointments—even that which he highly commends—does not clothe the examiners with exactly the same power as this bill gives them? He complains that this bill does not guarantee the immaculate perfection of the men who are to be employed. "They may open and shut with the wisdom of Solomon, and the purity and impartiality of a saint, *and they may not.*" Very true! But

is not that the condition of all human energies and instrumentalities? Does not the same objection exist wherever, and whenever, it becomes necessary or advisable to intrust power to the creation of every office, and the the appointment of every officer, whether President, or Senator, or Secretary, or Examiner? Every system of government, every scheme of human society, every organized effort among men, is based upon the recognition of the imperfection of the individual man, and the ever-present, ever-active aspiration of the race to correct abuses, to remedy wrongs, to reach the better, and the truer, and the purer. Would the Senator do nothing until he can find the necessary human agent, who shall certainly be as wise as Solomon, and as pure as a saint? I know he will not say so. I know he will not insist on this objection.

The Senator also objects that the system is fatally defective in this, that those who are responsible for the character of the work to be performed are to have no voice in the selection of the men who are to perform it; are not to exercise judgment upon the "qualifications, the fitness, or deftness for the place of the man who is to be put in." The Senator is entirely mistaken. His critical examination has for once failed him. The bill has anticipated such possible objections. It provides expressly that "there shall be a period of probation before any absolute appointment or employment;" and this for the express purpose of enabling the superior officer, who is responsible for the character of the work, to test the "qualifications, the fitness, and deftness"—the words are aptly chosen—of the man who is to perform it. If, in his judgment, the probationer fails in these qualities, he will refuse to appoint.

The Senator suggests—he does not assert—a constitutional objection to the appointment of a chief examiner by the commission. I need scarcely spend time in refuting the suggestion, in the face of the fact that every commission

organized by Congress has been authorized to employ officers and aids, suitable to the work imposed upon it, whether engineers, experts, contractors or clerks.

I believe I have succeeded in stating fairly every objection to the machinery and details of the bill. The astute Senator has stated no other. We may be sure no other can be found. I think they are not weighty; but I repeat, the friends of this bill will readily adopt any improvement of its methods.

The Senator—and I call his attention to it as being the basis upon which I said he did not desire legislation—the Senator said, in the articles to which I have alluded, that for ten years there has been upon the statute-book ample power to sweep the whole field of reform, and to root out the very center evil of the service, and yet that statute had lain as powerless as a strong man under an air-pump; and he closed his discussion, able as I have said that discussion was, with the strong declaration that “the demand of the hour is not more legislation, but an omnipotent public sentiment which can alone enforce a reform.” I deny that there has been ample legislation to cope with the evils which we wish to eradicate. With the exception of pass examinations in the departments, the legislation has been permissive, not mandatory. There have been no means in the hands of the Executive to enforce it. Congress, this Senate, and yonder House, denounced its enforcement, and deliberately refused to make the necessary appropriations. If Congress had equipped the President with all necessary moneys, and had still left the exercise of the power optional, and thereby shown its own lukewarmness in the cause, it would have required the strongest powers of the strongest man to resist the tremendous assaults of the spoils system. President Grant was a resolute man, and sincerely impressed with the spirit of reform; but when Congress fell away from his support he abandoned the effort as hopeless. Gentlemen under-

rate the tremendous power of the spoils system; they forget how strongly it is entrenched in the prevailing theories and practices of our parties; how it at once stimulates and gratifies the passion for power and money. They ask, “if the executive branch of the government should take its own administration of public affairs into its own hands, and administer them with the courage of your convictions, is there any need of any legislation at all?”

And again, when an eminent reformer answers, “I cannot honestly say I think there is,” they seem to think they have solved the problem.

The Senator from Massachusetts says truly, that “the spoils system eats out the soul and consumes the life-blood of the legislator, and must be ended, or he will degenerate into a mere purveyor of offices; but how?” He answers his own question thus:

“The President can stop it by two brief orders, officially proclaimed and rigidly adhered to, viz.: 1st. No man will be appointed to any office while he is in the city of Washington. 2d. No man will be appointed to any office who brings, unasked by the appointing power, the recommendation of any member of Congress.”

Indeed! how easy to relieve Congressmen! Why does not the President promulgate these simple orders?

The Senator adds this significant sentence: “But no President can stand on such a platform so long as one hundred thousand office-seekers, backed each by twenty or more best men, are beating against the doors of the White House.”

The Senator proceeds: “Members of Congress themselves can stop it by a flat refusal to do what their constituents thus force them to do. The constituency can end it by ceasing to ask it of a Representative.”

Exactly! How simple the remedy! But the Senator adds: “Few members, if any, will decline to serve their constituents in any matter

that is lawful. Some think they thereby serve themselves."

He ought to have said also: "Few constituents will refuse to press any appointment when they hope service in return from the applicant, or even when it is easier to yield than to refuse."

Having thus shown that these voluntary agencies, either singly or in combination, are utterly impossible for present use, he exclaims: "All combined can banish it more surely, and effectually, and forever."

Yes, when the impossible happens, we shall all be happy.

The Senator, in most truthful terms, bemoans the condition of the President under the present system. He describes the "labor of hearing petitions, examining conflicting pretensions, and distributing offices," as the labor "which never ceases, the exaction of strength and patience which never relaxes its hold, is never satisfied, never tires, never sleeps; which fritters away his powers, and loses, in the petty and belittling details of official patronage, the grand opportunities for the accomplishment of lasting good, by the application to administration of broad and comprehensive statesmanship." And then he suggests the remedy.

"Why does not the President actually, as in theory, break up the work of his administration into seven parts, and, freeing himself of everything except control, hold each Secretary personally responsible to him for the performance of the work in the part assigned him?"

Why not, indeed! The answer has been furnished by the Senator himself. The President cannot stand on such a platform, with one hundred thousand office-holders and many more thousand office-seekers, each with his backers, beating at the door of the White House. Congressmen will not voluntarily refuse to gratify their constituents. Constituents will not voluntarily refuse to recommend their neighbors. Every suggestion of an effective

remedy for these pressing evils by voluntary action, is confessedly impracticable. The influences—malign, widespread—overmastering the people, because "seen too oft, familiar with their face," absolutely prevent such voluntary action.

We must, by law, make some of those influences unlawful, and others powerless. We must make the application and interference of members of Congress perfectly useless. We must make appointments by the Executive or his officers, on such recommendation, absolutely unlawful. We must prevent that crowd of office-holders and office-seekers and their "best men" from beating at the doors of the White House.

I agree with the Senator. The demand of the hour is an "omnipotent public sentiment which alone can enforce reform." Laws cannot be enforced against a controlling public sentiment. Laws not enforced are vain. The evils of the spoils system have grown immensely during the last twenty years, and during these twenty years there has sprung up no "omnipotent public sentiment" forcing their reform. These were the years of permissive legislation and no appropriations, attesting the indifference of Congress, and discouraging the growth of that popular sentiment. Recent events have quickened it. Let us apply active, coercive legislation. Let us make practices, always immoral, now absolutely illegal. Let us put the Senate, the Congress, actively on the side of reform. Let us appeal to the best instincts and aspirations of the people, and the potent voice of this great power in the State will evoke, and concentrate, and develop, and energize a public sentiment which will become omnipotent.

I do not underrate the difficulty of eradicating the spoils system. We must employ every agency at our command. We must have a President thoroughly favorable, with the courage of his convictions. We must sustain,

protect, encourage, stimulate, and command him with all the authority of law. We must have a public opinion, sustaining and supporting both.

I hope, nay, I sincerely believe, we will have them all, if we senators this day, on this bill, do our full duty. And I earnestly appeal to Senators of both sides in this Chamber to do that duty.

I appeal to Senators on the other side of this Chamber. We are not in majority; we have no offices now. The chances of time will, sooner or later, put them in our grasp. Let us now declare that we will have none of these offices except those which may be won by merit; let us give this earnest of our sincerity in a great reform; let us give this token of the purity and patriot-

ism of our coming administration of the government; let us convince the people, even our opponents, that we contend for power, not that we may enjoy the emoluments of office, but that we may lead the country in the pathways of advancement and beneficence under the inspiration of a true democracy. This patronage, however pleasant for the moment, is a snare and a curse to any man or party. Let us put it behind us now; let us destroy it now; let us do the right now, and we will, in the future, reap our full inestimable reward, in having disengaged our party and our President from influences which will surely plant the seeds of early defeat in our coming victory, and in having saved our country from the perils which now environ it.









JOHN T. MORGAN.

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## JOHN T. MORGAN.

**J**OHN T. MORGAN, of Selma, Alabama, was born at Athens, in McMinn county, Tennessee, on the 20th of June, 1824. When nine years of age, his parents removed, with him, to Alabama, where he has since made his home. He improved the privileges offered, and obtained a good academic education. He chose the law as his profession, studied, was admitted to the bar in 1845, and began practice in Selma. He devoted himself assiduously to his profession, and gained an extensive and remunerative practice.

In 1860 he was an elector-at-large on the Presidential ticket for his State, and supported the candidacy of Breckinridge and Lane. When the war of the rebellion broke out, Mr. Morgan was chosen a delegate from Dallas county to the State convention, called to consider the question of Secession. When his State seceded, he went with it, and cast his fortune with the South, devoting all his energies to the advancement of its cause.

In 1861, he volunteered as a private in Company I. of the Cahawba Rifles, and

soon after, when his company was assigned to the Fifth Alabama Volunteers, he was chosen Major of the regiment, and not long afterward advanced to the office of Lieutenant-Colonel. The following year he received his commission as Colonel, and recruited the Fifty-first Regiment of Alabama volunteers, and, with it, returned to active service. The following year, 1863, he was appointed a Brigadier-General, and was assigned to duty in Virginia. In a short time he resigned his commission, to return to the command of his old regiment, whose Colonel had been killed in battle. Again, in 1863, he was recommissioned a Brigadier-General, and assigned to the command of a brigade, including his own regiment. He was in active service until the close of the war, when he resumed the practice of law at his old home, and continued it until his election as Senator. In 1876 he was chosen Presidential elector, and voted for Tilden and Hendricks. The same year he was elected a United States Senator, and took his seat on the 5th of March, 1877. At the expiration of his term he was honored with a re-election.

He has been faithful to his State in his duties as Senator, and has commanded the esteem and confidence of his associates. He devotes his energies to the

business of furthering the interests of the whole country, and is in a position on the Committee on Foreign Relations, where he can do efficient service.

### WOMAN SUFFRAGE.

*Mr. Morgan's Speech, delivered in the United States Senate, Dec. 20th, 1882.*

MR. PRESIDENT: I stand in a different relation to this question from that of the Senator from Kentucky, (Mr. Beck,) who said yesterday that he had received a number of communications from very respectable ladies in his own State upon this very important subject, and yet felt constrained, by a sense of duty, to deny the action which they solicited at the hands of Congress. I am not informed that any woman from Alabama has ever sent a petition to the Senate, or to either House, upon this matter. Indeed, it is my impression that no petitions or letters have ever been addressed by anybody in the State of Alabama to either House of Congress upon this question. It may be that that peculiar type of civilization which drives women from their homes to the ballot-box to seek redress and protection against their husbands has never yet reached the State of Alabama, and I should not be disagreeably disappointed if it should never come upon our people, for they have lived in harmony and in prosperity now for many years. Besides the relief which the State has seen proper to give to married women in respect of their separate estates, we have not thought it wise or politic in any sense to go further and undertake to make a line of demarcation between the husband as a politician and the wife as a politician. On the contrary, according to our estimate of a proper civiliza-

tion, we look to the family relation as being the true foundation of our Republican institutions. Strike out the family relation, disband the family, destroy the proper authority of the person at the head of the family, either the wife or the husband, and you take from beneath the institutions in our free, constitutional and popular government all of their real legitimate foundation.

I think that too little attention is paid to this subject by gentlemen who undertake to direct the policy and frame the statutes of the United States government, and sometimes of the State governments. Too little attention is paid to the fact that what we so proudly style American civilization and the American constitutional arrangement of the rights of the people in the States at last rests for its most solid and enduring foundation upon the basis of the organism of the families of the land. In one sense, when you come to view the American people, commencing at the remotest borders and extending across in either direction to the other remote borders, they are but adjacent proprietors of land whose lands are bounded by each other's possessions, and they form a series of communities in which there prevails more of the moral power to which we constantly appeal for the successful administration of political affairs than is to be found in any other form, political

or social, of the American people. So, sir, I would preserve this ancient foundation of our liberties, I would preserve it against all assault and against all intrusion. I would preserve the unity, harmony and strength of the family relation beyond all assault, as I have said, and beyond all intrusion.

The measure which is now brought before the Senate of the United States, is but the initial measure of a series which has been urged upon the attention of States and Territories, and upon the attention of the Congress of the United States, in various forms, to draw a line of political demarkation through a man's household, through his fireside, and to open to the intrusion of politics and politicians, that sacred circle of the family where no man should be permitted to intrude without consent of both the heads of the family. What picture could be more disagreeable; or more disgusting, than to have a pot-house politician introduce himself into a gentleman's family, with his wife seated at one side of the fire-place and himself at the other, and this man coming between to urge arguments, why the wife should oppose the policy which the husband advocates? Sir, it would be unseemly and disgraceful to allow the families of this country to be intruded upon by any such evil and vile influence as must necessarily attend such intrusions upon the domestic circles of the land.

If this measure means anything, it is a proposition that the Senate of the United States shall first vote to carry into effect this unjust and improper intrusion into the home circle. Suppose this resolution to raise a select committee should be passed; that committee will have its hands full and its ears full of petitions, and applications, and speeches from strong-minded women, and, of course, it must make some report to the Senate; and we shall have this subject introduced in here as one that requires a peculiar application of the powers of the Senate for its digestion, and for the completion of the bills

and measures founded upon it. At the next session of Congress this select committee will become a standing committee of the Senate, and then we shall have that which appears to be the most potential and, at the same time, most dangerous element in politics to-day, agitation, agitation, agitation. It seems that the legislators of the United States government are not to be allowed to pass in quiet judgment upon measures of this character, but, like many other things which are addressing themselves to the attention of the people on this side of the water and the other, they must all be moved against the Senate and against the House by agitation. You raise your committee and allow the agitators to come before them; yea, more than that, you invite them to come; and what is the result? The Congress of the United States will, for the next ten, or perhaps twenty years, be continually assailed by special and peculiar legislation in favor of the women of the land.

I do not understand that a woman in this country has any more right to a select committee than a man has. It would be just as rational and as proper in every legislative and parliamentary sense to have a select committee for the consideration of the rights of men as to have a committee for the consideration of the rights of women.

I object, sir, to this disseverance between the sexes, and I object to the Senate of the United States giving its sanction in advance or in any way to this character of legislation. It is a false principle, and it will work evil, and only evil, in this country.

What jurisdiction do you expect to exercise in the Senate of the United States for the benefit of the women in respect of suffrage or in respect of separate estates? Where are the boundaries of your jurisdiction? You find them in the Territories and in the District of Columbia. If you expect to proceed into the States you must have the Constitution of the United States amended so as to put our wives

and our daughters upon the footing of those who are provided for in the fourteenth and fifteenth amendments. Your jurisdiction is limited to the Territories and to the District of Columbia.

Inasmuch as this measure, I understand, has been made a party measure by the decree of a caucus, I propose to make some little inquiry into the past legislation of the Congress of the United States under Republican rule in respect of the extension of the right of suffrage to certain classes of people in this country. I will take up first the Territories. A system has prevailed in the organization of the Territories, I believe, uniformly the same as that which obtained in the case of the organization of the Territory of Utah. Under the fifth section of the act organizing the Territory of Utah, which was passed in 1850, it is provided :

"That every free white male inhabitant above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, shall be entitled to vote at the first election, and shall be eligible to any office within said territory; but the qualifications of voters and of holding office, at all subsequent elections, shall be such as shall be prescribed by the Legislative Assembly: *Provided*, That the right of suffrage and of holding office shall be exercised only by citizens of the United States, including those recognized as citizens by the treaty with the Republic of Mexico, concluded February 2, 1848."

I believe that every Territorial government is modeled upon this system so far as it concerns the right of suffrage. We have put it in the power of the Territorial Legislature after the first vote has been cast under the laws of the United States organizing the Territory, to prescribe the qualifications of voters, and after the qualification has been regulated by the law of the Territory, the remaining power in Congress is only to repeal or modify such legislation. So, sir, we have put it in the power of these Territorial Legislatures to provide for female suffrage, and if they should undertake to establish the right of women to vote, in order to correct that if we think it needs correction, we should have to repeal the act or modify it. A Territorial Legislature has the absolute right of

legislation under such circumstances and we only have the right to repeal or modify what they may do.

Let us look for a moment at the result of woman suffrage in some of the Territories. I have read to you the act of 1850, organizing the Territory of Utah. The Territorial Legislature has gone forward and conferred the right of suffrage upon the women of Utah Territory. The population of Utah Territory in the last decade has reached from 64,000, I believe, to about 150,000; I cannot state the figures exactly. The Territorial Legislature of Utah conferred upon the females of that Territory the right of suffrage, and how have they exerted that right? Sir, I am ashamed to say it, but it is known to the world that the power of Mormonism and polygamy in Utah Territory is sustained by female suffrage. You can not get rid of those laws. Ninety per cent. of the legislative power of Utah Territory is Mormon and polygamous. If female suffrage is to be incorporated into the laws of our country with a view to the amelioration of our morals or our political sentiments, we stand aghast at the spectacle of what has been wrought by its exercise in the Territory of Utah. There stands a power supporting the crime of polygamy through what they call a Divine inspiration, or teaching from God, and all the power of the judges of the United States, and of Congress of the United States, has been unavailing to break it down. Who have upheld it? Those who in the family circle represent one husband to fifteen women.

Utah Territory is increasing continually in its population and with great rapidity. There is not such a missionary establishment in the world belonging to any church whatsoever as that connected with the Mormon church. It is part of their creed that all those who have united with the church of the Latter-day Saints shall be brought personally into the Territory of Utah, and these planted around the temples in which they profess to worship. A continual

and rapid accumulation of the power of the church and of polygamy is going on, and when the Gentiles, as they are called, enter the Territory with the view of breaking it up, they are confronted by the women, who are allowed to vote, and from whom we should naturally expect a better and a higher morality in reference to subjects of the kind. But this only shows the power of man over woman. It only shows how, through her tender affections, her delicate sensibilities and her confiding spirit, she can be made the very slave and bond-servant of man, and can scarcely ever be made an independent participant in the stronger exercise of the powers which God seems to have intrusted to him. Never was there a picture more disgusting or more condemnatory of the extension of the franchise to women, as contradistinguished from men, than is presented in the Territory of Utah to-day.

We have now 10,000,000 voters in the United States, who represent 50,000,000 people. What is the attitude of an American voter in reference to the non-voting population? It is that of a representative. One man in our political policy represents five people in voting, whether in a local election or in the most important election to which his franchise extends. He stands in our system as a representative of five people and votes for them; and by necessity it must remain so, because every child and every woman cannot vote, and there must be some line of demarkation which fixes the boundary of the franchise of voting. That boundary was wisely fixed with reference to the supposed condition of families and the necessities of families, so that when a child became twenty-one years of age, if he were a son, or, being the head of a family and twenty-one years of age and over, he could represent that family in casting a ballot; and it adds much to the dignity and the value of the position of the American citizen that, in all the different departments in which he is allowed to exercise

the power of the ballot, he is attended with the responsibility of this representative character. We must not discard that.

Where is the necessity of raising the number of voters in the United States from 10,000,000 to 20,000,000? That would be the direct effect of conferring suffrage upon the women, for they have at least one-half, if not a little more than one-half, of the entire population of the country above the age of twenty one. We have now masses of voters so enormous in numbers as that it seems to be almost beyond the power of the law to execute the purposes of the elective franchise with justice, with propriety, and without crime. How much would these difficulties and these intrinsic troubles be increased if we should raise the number of voters from ten to twenty millions in the United States? That would be the direct and immediate effect of conferring the franchise upon the women. What would be the next effect of such an extension of the suffrage? It was described by my friend from Missouri (Mr. Vest) and by other Senators who have spoken upon this subject. The effect would be to drive the ladies of the land, as they are termed, the well-bred and well-educated women, the women of nice sensibilities, within their home circle, there to remain, while the ruder of that sex would thrust themselves out on the hustings and at the ballot-box, and fight their way to the polls through negroes, and others who are not the best of company even at the polls, to say nothing of the disgrace of association with them. You would paralyze one-third, at least, of the women of this land by the very vulgarity of the overture made to them that they should go struggling to the polls in order to vote in common with the herd of men. They would not undertake it. The most intelligent and trustworthy part of the suffrage thus placed upon the land would never be available, while that which was not worthy of respect, either for its character or

for its information, would take the matter in hand and move along in the circle of politicians to cast their suffrages at the ballot-box.

As the States to be formed out of the Territories are admitted into the Union, they will come stamped with the characteristics which the Legislatures of the Territories have imprinted upon them; and if after due consideration in those Territories, the men who have the regulation of public affairs should come to the conclusion that it was best to have woman suffrage, then we can allow them, under existing laws, to go on and perfect their system and apply for admission into the Union with them, as they may choose to adopt them and to shape them. The law upon that subject as it exists is liberal enough, for it gives to the Legislatures the right to regulate the qualifications of suffrage. It leaves it to each local community, wherever it may be throughout the Territories of the United States, to determine for itself what it may prefer to have.

It is the object in the raising of this committee, that it shall have only so many speeches made, so much talk about it, or is it to be the object of the committee to have legislation brought here? If you bring legislation here, what will you bring? An amendment to the Constitution like the fourteenth amendment, or else some provision obligatory upon the Territories, by which female suffrage shall be allowed there, whether the people want it or whether they do not? For my part, before this session of Congress ends, I intend to introduce a bill to repeal woman suffrage in the Territory of Utah, knowing and believing that that will be the most effectual remedy for the extirpation of polygamy in that unfortunate Territory.

If you choose to repeal the laws of any Territory conferring the right of suffrage upon women, you have the power in Congress to do it; but there are no measures introduced here, and none advocated in that direction. The whole drift of this movement is in the other di-

rection. This committee is sought to be raised either for the accommodation of some Senator, who wants a chairmanship and a clerk, or it is sought to be raised for the purpose of encouraging a raid on the law and traditions of this country, which, I think, would end in our total demoralization. I therefore oppose this measure in the beginning, and I expect to oppose it as far as it may go.

Now, let us notice for a moment, the case of the District of Columbia. There are some Senators here who have given themselves a great deal of trouble in the advocacy of the right of suffrage of the people of the United States, and especially of the colored people. They put themselves to great trouble, and doubtless to some expense of feeling, to worry, and beset, and hurry gentlemen who come from certain States of this Union, in reference to the votes of the negroes; and yet, these very gentlemen have been either in this House or in the other, when the Republican party has had a two-thirds majority of both branches, and has deliberately taken from the people of the District of Columbia, the right to elect any officer from a constable to a mayor, all because, when the experiment was tried here, it was found that the negroes were a little too strong. There was too much African suffrage in the ballot-box, and they must get rid of it, and to get rid of it on terms of equality they have disfranchised every man in the District of Columbia. Here, under the very shadow of the Capitol, which sits in the center of a circle of States that profess to be free and constitutional States, every one of which, in its constitution, guarantees the right of suffrage to all men over twenty-one years of age, and many of them to women, these gentlemen, who are so boastful of their own goodness and kindness of heart, that they wish to include all the female sex in the right of voting, when they come to the practical experiment of government, find themselves compelled to rob the people in this District of



the right of suffrage, and to hold them in absolute despotic rule, governed by a triumvirate. That may be the best form of government for the District of Columbia, but when it is contrasted with the views that we have of republican, free, constitutional institutions and establishments of government, it is the darkest spot that ever shadowed any ten or twenty miles square of land in the United States of America.

Gentlemen come here into the Senate of the United States and make long speeches, urging upon the States the necessity of securing a full, free, fair and unabridged right on the part of negroes to vote everywhere, and scolding and vituperating the States in respect of their conduct, when they themselves, after having given to the negroes the right of suffrage in the District of Columbia, took it away because they could not stand it in their own persons, and in reference to their own property. If there had not been a Republican in the United States who owned any property in the District of Columbia, the negroes to-day would have been voters in this District; but when it was found that negro suffrage was to control Republican property and Republican administration of local affairs in the District of Columbia, then, with one broad swoop, they dismissed the negro and the white man and the woman from all opportunities of exercising the power to vote. Let it not any more be thrown at us that we have denied any people the right of suffrage, that we have abridged or in any way restrained any persons in the exercise of this right, when the men who have had such immense majorities in both branches of Congress have absolutely sponged out the right of the white and the black both to vote, merely to get rid of negro suffrage.

I shall have more faith in the sincerity of the declarations of gentlemen of their desire to have the women vote, when I see that they have made some steps toward the restoration of the right of suffrage to the people of the

District of Columbia. While they let this blot remain upon our law, while they allow this damning conviction to stand, they may stare us in the face and accuse us continually of a want of candor and sincerity on this subject, but they will address their arguments to me in vain.

I cannot be convinced against these facts that this new movement, in favor of female suffrage means anything, more than to add another patch to the worn-out garment of Republicanism, which they patched with Mahoneism in Virginia, with repudiation elsewhere, and which they now seek to patch further by putting on the delicate little silk covering of woman suffrage.

I do not believe that this movement has its root and branch in any sincere desire to give to the women of this land the right of suffrage. I think it is a mere party movement, with a view of attempting to draw, into the reach of the Republican party, some little support from the sympathy and interest they suppose the ladies will take in their cause if they should advocate it here. No bill, perhaps, is expected to be reported. The committee will sit and listen, and profess to be charmed and enlightened and instructed by what may be said, and then the subject will be passed by, without any actual effort to secure the passage of a bill.

Introduce your bills and let them go to the Judiciary Committee, where the rights of men are to be considered as well as the rights of women. If this subject is of that pressing national importance, which Senators seem to think it is, it is not to be supposed that the Committee on Judiciary will fail to give it profound attention. When you bring a select committee forward, under the circumstances under which this is to be raised, you must not expect us to give credit, generally, to the idea that the real purpose is to advance the cause of woman suffrage, but rather that the real purpose is to advance the cause of political domination in this country.

## JAMES DONALD CAMERON.

**J**DON. CAMERON was born in Middletown, Pennsylvania, in 1833. He was well educated, graduating from Princeton College in 1852. He occupied a position as clerk in the Middletown Bank, for a number of years, rising to the position of cashier. He was largely interested in iron, coal, and manufacturing industries in Pennsylvania, and in railroad management. For a number of years he was president of the Northern Pennsylvania Railroad, and by his energy and decision advanced the interests of his road, rendered valuable aid to his country in time of need, and established for himself the reputation of an able and successful executive manager. By business tact and ability he amassed an ample fortune, that has enabled him to devote his time and talents to political subjects for a number of years.

In May, 1876, he was appointed Secretary of War by President Grant, and held the position until March 3,

1877. In 1876 he was a delegate to the Cincinnati Republican Convention; and, when his father resigned the position of Senator from the State of Pennsylvania, was elected his successor in March, 1877, and, in 1879 was re-elected, his present term expiring in 1885. He was chosen chairman of the National Republican Central Committee on the death of Hon. Zach. Chandler, in 1879, and conducted the affairs of the office with ability. He was one of the influential leaders who favored the nomination of General Grant for the Presidency in 1880, and took a prominent part in the Chicago Convention. Mr. Cameron is not a public speaker, but he is an indefatigable worker. His executive ability is great, and also his influence in the quiet workings of senatorial legislation. He has been one of the most important figures in politics of late years, because of his commanding influence in the politics of the Keystone State.



J. DON CAMERON.

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## REDUCTION OF THE REVENUE.

*Mr. Cameron's Speech, delivered in the United States Senate, Jan. 10, 1889.*

MR. PRESIDENT: The surplus revenue of this government, applicable to the payment of the public debt for the year ending June 30, 1881, was \$100,069,404.98.

The inference from these figures must be, that if such surplus receipts are applied to the reduction of the debt, it will be paid within ten or twelve years. The question then is, Should the people continue to be taxed as heavily as they now are, to pay it off within so short a period? Is it wise or prudent?

No one will deny the wisdom of the legislators who inaugurated the system of reducing the debt, or the patriotism of the people who have endured a heavy load of taxation to pay the interest and reduce the principal of such indebtedness. Both have been causes of wonder to the world, and have shown the strength, honesty, and prudence attainable under a Republican form of government, in matters where it was thought to be weak. It is acknowledged that the course thus pursued by Congress, and supported by the people, has had several good results. The exercise of the power of the government, and the cheerful submission to the enacting nature of the laws by the people, has had an undoubted tendency to elevate and strengthen the moral tone of the nation, giving the people more confidence in each other, and compelling the approval of the world. It has reduced the principal sum of our national indebtedness, until it is entirely within the ready control of the financial ability of the people, either to pay off or to pay the interest thereon. It has established the credit of the country, and

brought it up from a position where the 6 per cent. gold bonds of the United States before the war would not command par, to a present premium of 17 per cent. on a 4 per cent. bond, and to the ready exchange of called 6 per cent. bonds into new ones bearing  $3\frac{1}{2}$  per cent. interest. It has demonstrated the ability of the country not only to carry on a most expensive internal war, but to pay off its cost in a time unknown to any other people; and further, that the ability of the country to furnish men and material of war, and to meet increased financial demands, is cumulative. The burden carried by this country from 1861 to the present day, has been much greater than it would be if laid upon this Nation and people from 1881 to 1900.

The burden, therefore, of the present debt would fall but lightly on the country if the payment thereof should be for a time delayed, or the rate at which it has been paid be decreased. It thus becomes a question of prudence with the government whether they will continue the burden upon the people, or relieve them of part of it.

The burdens of general taxation borne by the people are very onerous. They have not only the general government to sustain, on which devolves the expenses of legislation, of the federal judiciary, of the representatives of our country in all the principal governments and cities of the world, of the management of such of our internal affairs and conveniences as belong to Congress, the keeping up of our army and navy, the erection of public buildings, the improvement of the rivers and harbors, and

many other items that require large annual expenditures. With the increase of population, and the filling up of our unoccupied lands, almost all these annual outlays and expenses will tend to increase in place of decreasing, and all such expenditures must be in some way met by the people of the country. They have also to sustain their State governments, with the expenses and outlays incident to them, their legislatures, judiciaries, penitentiaries, places of reform, hospitals, and all means of aiding the afflicted; to sustain the common schools, to pay the cost of such improvements of rivers, of canals, of railways, or of roads, as the States may undertake. They have also the heavy cost to meet of city governments, of county, town, and borough governments; they must pay the inferior legislatures, erect buildings, provide water, police, jails, poor-houses, and build roads and take care of them.

On the liberality of the people the country depends for the building of charitable institutions, universities, colleges, private schools of high grade, and every variety of relief to the poor and the afflicted. In addition to these burdens, almost all the States, most of the large cities, and many of the counties and towns in the States, still labor under the burdens of indebtedness incurred during the war to sustain the general government, which indebtedness, incurred on the then value of paper currency, has now to be paid in gold. They have not had the means at command to pay off much of such indebtedness, like the general government, nor to refund it at a lower rate of interest. The superior credit of the general government has been partially made at the expense of the local governments. I have stated these facts that Senators might keep in mind that the question should not be considered as merely one of our ability to reduce our indebtedness, by paying off annually one hundred millions of dollars, and by continuing our present laws for raising revenues, as if it were but a small matter for the

people to do, but it should be considered in connection with the total burden of taxation imposed by the revenue laws of the general government, as well as by those of the State and the subordinate governments within their bounds.

There is, therefore, a strong argument to be found in these facts of the other burdens of taxation borne by the people, in favor of reducing the amount of revenue applicable to the payment of the public debt, when it can be done without injury to the credit of the government, and without risking in the least the ability of the government either to pay such indebtedness as it matures, or to interfere with the ability of the government to fully provide for the wants of the country as they may be developed. A complete statement of the percentage of taxation borne by each male citizen of the United States, over twenty-one years of age, in the various ways stated, would astound the Senate and the country. There is, probably, no country in the world where the taxation, direct and indirect, is so heavy, and only a people, situated and circumstanced as the American people are, could prosper under such a burden. If no other reason could be advanced in favor of a reduction of the amount of moneys derived from our internal revenue laws, than this one of reducing the burdens of the people, it would be amply sufficient, in my judgment, to warrant the proposed reduction. Yet, I will say frankly, that I have another object in wishing to have the internal revenue reduced, and I hope, before long, that every vestige of that system will cease to exist. That object is, to prevent any material change being made in the tariff upon imports as it now exists, for upon its existence depends the prosperity, the happiness, the improvement, the education of the laboring people of the country, although I do not object to a careful revision of it by a competent commission.

I want to say a word here about the arrears

of pension act. This act never should be repealed, and, in my judgment, it never will or can be. It has lately been held up to contempt by that class of people who, twenty years ago, were engaged in exhorting these same pensioners to go to the front, and who now object to rewarding them; but their opinion is not shared by the people at large; in fact, no more essentially just law was ever placed upon the statute book. Its effect is simply and solely to prevent the government from pleading the statute of limitation against its former defenders. It did not increase the rate of pensions in any way whatever, but merely said that a man entitled to a pension for physical injury received in government service, should not be debarred from receiving it, because he was late in making his application. To the payment of these pensions, every sentiment of honesty and gratitude should hold us firmly committed.

My friend, the Senator from Kentucky, [Mr. Beck] is very honest, is generally very astute, and has great capacity as a leader. My personal friendship makes me desire his success, and, as an individual, I want him to be the recipient of all the honors his party can bestow upon him, but I am very sure that he is now opposing a measure that is intended to promote the welfare of, and is in accord with, the wishes of the people of the country. He is leading his party astray, he is holding it back, he is tying it to the carcass of free trade.

Politically, I am glad that he is; on his own account, I regret it. He is opposing the principle of protection, and, in my judgment, no man can do that and retain the support of the people. No party can, to-day, proclaim the doctrine of a "tariff for revenue only," and survive. Opposition to an earnest prosecution of the war for the suppression of the Rebellion, failed to destroy the Democratic party, because of the recruits it received from the South, but opposition to the doctrine of protection to American productions, hostility to the elevation of Amer-

ican labor, no party in this enlightened day can advocate and live. I am astonished that the Democratic party does not learn by experience. The "tariff-for-a-revenue-only" plank in the Cincinnati platform lost it Indiana, lost it New York, and in 1884 it will lose it one-half of the Southern States.

The great question of protection to American labor will be the question which will obliterate old dissensions, and unite the States in one common brotherhood. The Democratic party has made its last great fight. It will struggle hard, and in its death throes will, with the aid of a few unsuccessful and disappointed Republicans, possibly have temporary local successes, but death has marked it for its victim, die it will, and on its tomb will be inscribed, "Died because of opposition to the education, the elevation, the advancement of the people."

The historic policy of this country has been to raise its revenues mainly from duties on imports and from the sale of the public lands. There are many reasons in favor of this policy. It is more just and equal in its burdens on the States and on the people; it is less inquisitorial, less expensive, less liable to corruption; it is free from many vexed questions, which our experience of twenty years in collecting internal revenue has developed. The internal revenue brings the general government in contact with the people in almost everything they eat, wear, or use. The collection of revenue by duties on imports is so indirect as to remove much of the harshness felt when the citizen comes in direct contact with the iron grip of the law, compelling him to affix a stamp to what he makes or uses. No one will question the fact that the collection of internal duties unfavorably affected the general morals of the nation.

The internal revenue laws were adopted by the government as a war measure, as an extraordinary and unusual means of raising money for an emergency, and it is proper, and in accordance with public opinion, that, with the end

of the emergency, such policy should cease. I cannot but think that every Senator will agree with me, that the end of the emergency has been reached. The emergency embraced not only the time of the expenditures, but their continuation, until the debt incurred during the emergency was so reduced as to be readily managed, if not exclusively by the ordinary revenues of the government, yet with a greatly reduced system of internal revenues, and for a limited time. But in determining wherein such reduction shall be made, two great interests of the country are to be considered:

First, the system of duties on foreign goods, wares, etc.

Second, our national banking system.

It has been proposed to meet this question of reduction by lowering the rates of duty, and thus to continue in this country, indefinitely, the use of direct and indirect taxation, supposing that such reduction would require the prolonged continuation of internal taxation.

The first effect of this would be to increase the revenues, as lower duties would lead for a while to increased importations; but ultimately these increased importations would destroy our manufactures, and impoverish the people to the point of inability to buy largely abroad, and when that point would be reached, we should have no other source of revenue than internal taxes upon an impoverished people. At first, we should have more revenue than we need, but in the end much less.

This statement of the effect of lower duties may, at first, seem anomalous and questionable, but that such would be the result is proven by the effect on the revenues of the country of the reduction in duties in the tariff of 1846 below that of 1842. This will be evident from the Treasury statistics of the years 1844, 1845, 1846, 1847, etc., which will show for the latter years a large increase of revenues. A reduction of duties, which would affect the ability of our manufacturers to compete with foreign makers,

would cause a large importation of goods, with two objects: first, to find a market, the effect of which would be to keep the mills of England and other countries fully employed; and, second, a repetition of the custom of English manufacturers to put goods on our markets, at low and losing prices, for the purpose of crippling and breaking down our operators. And this increase of our national revenues would continue until our fires were stopped, our mills and mines closed, our laborers starved, and our capital and skill, the work of many years, lost. This time would be marked by a renewal of our vassalage to England. Then the tables would be turned, our revenues would fall off with our inability to purchase, our taxation would continue and become very onerous, and in place of a strong, reliant, and self-supporting people, exercising a healthful influence over the nations of the world, we would be owned and be the servants of Europe, tilling the ground for the benefit of its people; our laborers would be brought down to a level with the pauper labor of Europe.

Our form of government will not permit the employment of ignorant pauper labor. It is a government of the people, and, to have it continue to grow and prosper, the people must be paid such wages as will enable them to be educated sufficiently to realize and appreciate the benefits of its free institutions; and, knowing these benefits, they will maintain them. If, on the other hand, it is desirable that the revenues from duties should be decreased, and thereby retain both kinds of taxation, the direct and the indirect, the best possible way to do this would be to largely increase the duties on imported goods, which would, for a time, decrease the imports, thereby decreasing the amount of duties received. This tendency would last until, through this policy, the wealth and purchasing power of the country would so largely increase that the revenues would again increase, both by reason of decreased cost in foreign countries,



and because of the purchase, by us, of articles of special beauty, skill, and luxury. It may be said (and however paradoxical it may appear, the assertion is proven by the history of the tariff) that, while the immediate tendency with free trade duties is to increase imports and revenues, the ultimate result of such low duties is to decrease the imports and revenues, due to the decreasing ability of the country to purchase. The immediate tendency of protective tariffs is to decrease imports and revenues, but the final result is to increase the imports and duties, arising from the greater ability of the country to purchase. But my intention is not to discuss, at this time, the question of a tariff, but to show the effect of a change in the duties on imports upon the revenues of the country.

I clearly recognize that, while the public mind is decidedly in favor of encouraging home manufacturers, by levying what are called protective duties, yet the people are opposed to placing those duties so high that they become prohibitory, and making, thereby, an exclusive market for our manufactures at home. It seems very clear to my mind, in view of these statements as to the result of decreasing or increasing the duties on our imports, that no reduction of revenue is practicable by changes in our tariff.

The second great interest of the people, which will very shortly be directly affected by the large and increasing surplus revenues of the country, is the system of national banks, and this through the decrease of the public indebtedness by the application of the annual surplus to its payment. The large annual reduction of the public debt will very shortly begin to affect the confidence of the public in the continuation of the system. It will increase public anxieties, and excite their fears as to a substitution of any other system for this that has proven so acceptable and so valuable to the country. If the national banking system is to be worked out of

existence, it will inevitably cause serious financial trouble.


Financial difficulties among a people like those of this country, however ill-based or slight, are always attended by disastrous consequences, because in times of prosperity the energies and hopefulness of the people are stretched to the utmost limits, and the shock of financial trouble has the effect of an almost total paralysis on the business of the country. It is certainly the part of statesmanship to avoid such a calamity whenever it is possible.

I unhesitatingly declare and believe that the value of our system of national banks is so great in the benefits the country derives therefrom, and the dangers and losses its continuance will avoid, that it were better to continue in existence an indebtedness equal to the wants of the banks, which the country may from time to time require, until some equally conservative plan may be offered that will enable us to dispense with the system.

It is also important, in this connection, for Senators to bear in mind that the increasing business of the country will annually require increased banking facilities, and, consequently, increased bonds, as the basis on which they can be organized; and it should not be overlooked that a possible determination by Congress to pay off, by retiring or by funding the greenbacks, will create a great hiatus in the circulating medium of the country, which can only be replaced by additional national bank notes, based upon an equivalent amount of public indebtedness.

In view of the statements I have made, I cannot but conclude that the wisest and most prudent course for Congress is to leave the question of changes in the tariff laws to be adjusted as they may from time to time require, and to make whatever reduction of the income of the government that may be found desirable, by reducing the changes in the internal revenue laws.

## WADE HAMPTON

ADE HAMPTON, of South Carolina, was born at Charleston, March 28, 1818. He received a good education, graduating at the South Carolina College, and entered the legal profession. He is a grandson of that notable Wade Hampton, who was one of the partisan warriors with Marion and Sumter in South Carolina during the Revolutionary war, and served in Congress during two terms, and who, in the war of 1812, advanced to the rank of Major General, and served on the Canadian border.

In early life, Mr. Hampton took to politics, and served in both branches of the State Legislature. Like most South Carolina politicians, he was an ultra southerner, in ante-war days, holding to the doctrine so radically set forth by Hayne and Calhoun. On the breaking out of the Rebellion he entered the Confederate service, and, at the first Battle of Bull Run, commanded the Hampton Cavalry Legion, where he distinguished himself for his rash daring, and received a severe wound. He was promoted to Brigadier-Gen-

eral, and participated in the battle of Seven Pines, in May, 1862, when he received a second wound. The same year he participated in the terrible struggle at Antietam.

He was in the battle of Gettysburg in 1863, and received a third wound. The following year he was made a Lieutenant-General, and placed in command of a force of cavalry in connection with Lee's army.

He was transferred to his own State, and was in command of the rear guard of the Confederate army that retired from Columbia, before the victorious advance of Sherman's army. After the war, Mr. Hampton returned to his profession, and re-engaged in politics. In 1868 he was a delegate to the National Democratic Convention in New York City, and took a prominent part in the business of that assemblage.

In 1876 he was elected governor of South Carolina, but a long contest ensued between him and Mr. D. H. Chamberlain, the Republican candidate, and it was 1877 before he took his seat in the gubernatorial chair. In 1878 he was re-elected governor, and in December of



WADE HAMPTON

THE PHOTOGRAPH BY ALICE SMITH FOR THE NATIONAL ARCHIVES



the same year he was chosen by the legislature to a seat in the United States Senate. Mr. Hampton at once took a prominent part in the deliberations of

that body, particularly in all matters pertaining to the south and the peculiar ideas of that section, and is an acknowledged leader in his party.

### EULOGY ON BURNSIDE.

*Delivered by Mr. Hampton, in the United States Senate, Jan. 23rd, 1882.*

MR. PRESIDENT: It was the good fortune of the honorable Senator from Rhode Island, the father of the Senator who has just spoken so feelingly of his distinguished colleague, whose untimely death we deplore, to have known him long and intimately, and to have thus known him was to love him. Bound to him, as he was by the strong tie of the closest friendship and the most intimate party affiliation, it is natural that in speaking of him his language is that of eulogy, for the words he has uttered came warm and direct from his heart. So, sir, do mine, though my personal acquaintance with General Burnside dated only from my entrance as a Senator into this Chamber. But my association with him upon this floor, in the committee-room, and in social intercourse soon impressed me with his many high and attractive qualities, and taught me not only to admire him, but to regard him as a personal friend. In the dark days of the civil war, when we stood in opposing ranks, I learned to respect him as a true, brave, and gallant soldier—one who followed his convictions of right with earnest singleness of purpose: who fought not from ambition or a desire for glory but from a deep sense of duty, and who in every act of his honorable military career subordinated all private considerations to the public good. When he sheathed his sword, which had never been

tarnished by dishonor nor stained by cruelty, he promptly extended the hand which had so resolutely grasped that sword in war to those who had been his enemies. Magnanimous as he was brave, his heart was large enough and generous enough to recognize, when peace came to our distracted country, every American citizen as his fellow-countryman, and no act of his since the war was inspired by sectional hate or political animosity. War, with all its attendant, inevitable horrors, could not change his gentle and noble nature, for he seemed to be absolutely free from all the bitterness it might naturally have engendered, and his highest aim, his constant efforts were directed always toward the reconciliation, the harmony, and the enduring peace of the country. It was the recognition of his patriotic efforts in this direction, together with the charm of his kind and genial manner, that won for him the respect, the esteem, and the affection of his colleagues from the South, and I feel assured that I give utterance to the universal feeling prevailing among them when I express the profoundest sorrow at his death. It is no disparagement to the distinguished gentleman who has extended him, or to any one who may hereafter do so, to assert that Rhode Island, however prolific, and may be of able and patriotic sons will never send to this chamber one who can fill the place

made vacant by his death, more worthily than he did, nor pass from among us amid deeper and more general sorrow than is felt at his loss. This sorrow is as sincere as it is general ; it is felt as keenly on this side of the chamber as on the other ; as deeply by Southern men who fought in the Confederate ranks as by Northern who supported the cause of the Union. It seems therefore, not inappropriate that I, who during the war stood under the folds of the starry cross, should pay a tribute, however feeble, to that gallant soldier who, amid all trials and vicissitudes, in disaster as in success, bravely upheld the flag of the Union. "Would that it were worthier ;" but it is at least sincere, for it comes from one who was his enemy in war, and in peace his political opponent. Other Senators will doubtless tell you of his distinguished services to his State and to the country ; of his high qualities, and his noble nature, of his gracious manner and magnetic presence,

which gained for him everywhere, in all the walks of life, troops of friends. I, too, sir, would fain dwell on these grateful themes, but others have a higher right than myself to do so. Mine is the humbler but not less grateful duty to pay a simple but heartfelt tribute to the memory of a friend—one who could always be trusted, and whose conduct was uniformly marked by dignity, courtesy and kindness. His lifelong friends, his party associates, his comrades in arms, the whole people of the State that he loved and served so well, have joined in bewailing his death and in honoring his memory. They have worthily bedecked his tomb with wreaths of immortelles ; I bring but a single spray of Southern cypress to lay it tenderly and reverently on his grave. Peace to his ashes ; for of him it may with truth be said that throughout his long, varied, and honorable career,

"He bore without reproach,  
The grand old name of gentleman."







JOHN J INGALLS.

ENGRAVED FOR ORATORS AND ORATORY, FAIRBANKS, PALMER & CO., PUBLISHERS



## JOHN JAMES INGALLS.

**J**OHN JAMES INGALLS, of Atchison, Kansas, was born at Middleton, Massachusetts, December 29, 1833. After completing his preparatory studies, he entered Williams College, and graduated in 1855. The last year of his college life, James A. Garfield was a fellow student in the same institution. After graduating he studied law, and was admitted to practice in 1857, and in October of the following year he removed to Kansas, and settled in Atchison, where he still resides.

He immediately began the practice of law, and took high rank in his profession. He entered, at once, on the troubled sea of political life in his new home, and politics was troublesome, and slightly dangerous work in Kansas, at that time.

In 1859 he was a member of the Constitutional Convention that met in Wyandotte, and took a prominent part in the deliberations of that body. The next year he was made Secretary of the

Territorial Council, and in 1861 he was Secretary of the State Senate. In 1862 he was a member of the same body, and took an active part in the duties of legislation. The same year he was a candidate for Lieutenant Governor, and two years later ran again for the same office, but was defeated, with the rest of his ticket, both times.

During 1863, '64, and '65, he was editor of "The Atchison Champion." He devoted the succeeding years to the practice of law until 1873, when he took his seat in the United States Senate. Mr. Ingalls served on a number of the most important committees of the Senate, during his first term, being chairman of the Committee on Pensions. In his second term he was given a prominent position on the Judiciary Committee, and made chairman of the Committee on the District of Columbia.

He has been a faithful and industrious public servant, and merits the confidence reposed in him by the people of his adopted State.

## EULOGY ON BEN. HILL.

*Mr. Ingalls' Remarks, delivered in the United States Senate, Jan. 23, 1882.*

MR. PRESIDENT: Ben. Hill has gone to the undiscovered country. Whether his journey thither was but one step across an imperceptible frontier, or whether an interminable ocean, black, unfluctuating, and voiceless, stretches between these earthly coasts and those invisible shores—we do not know.

Whether on that August morning after death, he saw a more glorious sun rise with unimaginable splendor above a celestial horizon, or whether his apathetic and unconscious ashes still sleep in cold obstruction and insensible oblivion—we do not know.

Whether his strong and subtle energies found instant exercise in another forum, whether his dextrous and undisciplined faculties are now contending in a higher senate than ours for supremacy, or whether his powers were dissipated and dispersed with his parting breath—we do not know.

Whether his passions, ambitions, and affections still sway, attract, and impel, whether he yet remembers us as we remember him—we do not know.

These are the unsolved, the insoluble problems of mortal life and human destiny, which prompted the troubled patriarch to ask that momentous question, for which the centuries have given no answer: "If a man die, shall he live again?"

Every man is the center of a circle, whose fatal circumference he cannot pass. Within its narrow confines he is potential, beyond it, he perishes; and if immortality is a splendid, but delusive dream, if the incompleteness of every

career, even the longest and most fortunate, be not supplemented and perfected after its termination here, then he who dreads to die should fear to live, for life is a tragedy more desolate and inexplicable than death.

Of all the dead whose obsequies we have paused to solemnize in this Chamber, I recall no one whose untimely fate seems so lamentable, and yet so rich in prophecy as that of Senator Hill. He had reached the meridian of his years. He stood upon the high plateau of middle life, in that serene atmosphere where temptation no longer assails, where the clamorous passions no more distract, and where the conditions are most favorable for noble and enduring achievement. His upward path had been through stormy adversity and contention, such as infrequently fall to the lot of men. Though not without the tendency to meditation, revery, and introspection which accompanies genius, his temperament was palestic. He was competitive and unpeaceful. He was born a polemic and controversialist, intellectually, pugnacious, and combative, so that he was impelled to defend any position that might be assailed, or to attack any position that might be intrenched, not because that the defense or assault was essential, but because the positions were maintained, and that those who held them became, by that fact alone, his adversaries. This tendency of his nature made his orbit erratic. He was meteoric, rather than planetary, and flashed with irregular splendor, rather than shone with steady and penetrating rays. His advocacy of any cause was fearless to the verge

of temerity. He appeared to be indifferent to applause or censure, for their own sake. He accepted intrepidly any conclusion that he reached, without inquiring whether they were politic or expedient.

To such a spirit, partisanship was unavoidable, but with Senator Hill, it did not degenerate into bigotry. He was capable of broad generosity, and extended to his opponents the same unreserved candor which he demanded for himself. His oratory was impetuous, and devoid of artifice. He was not a posturer or phrase-monger. He was too intense, too earnest, to employ the cheap and paltry decorations of discourse. He never reconnoitered a hostile position, nor approached it by stealthy parallels. He could not lay siege to an enemy, nor beleaguer him, nor open trenches, and sap and mine. His method was the charge and the onset. He was the Murat of Senatorial debate. Not many men of this generation have been better equipped for parliamentary warfare, than he, with his commanding presence, his sinewy


diction, his confidence, and imperturbable self-control.

But in the maturity of his powers and his fame, with unmeasured opportunities for achievement apparently before him, with great designs unaccomplished, surrounded by the proud and affectionate solicitude of a great constituency, the pallid messenger with the inverted torch beckoned him to depart. There are few scenes in history more tragic than that protracted combat with death. No man had greater inducements to live. But in the long struggle against the inexorable advances of an insidious and mortal malady, he did not falter nor repine. He retreated with the aspect of a victor, and though he succumbed, he seemed to conquer. His sun went down at noon, but it sank amid the prophetic splendors of an eternal dawn.

With more than a hero's courage, with more than a martyr's fortitude, he waited the approach of the inevitable hour, and went to the undiscovered country.



## GEORGE G. VEST.

EORGE G. VEST, was born at Frankfort, Kentucky, on the 6th of December, 1830, and lived in that State until twenty-three years of age. When eighteen years old he had made advancement sufficient to be admitted a student in Central College, Kentucky, where he remained about four years, when he graduated with honor. He then entered the law department of Transylvania University, at Lexington, and graduated from it in 1853, and turned to the West to seek his fortunes. The same year he selected Missouri as his future home, settled in the central part of the State, and entered upon the practice of his profession. He soon began to take an active part in the politics of his State, and in 1860 was a Presidential Elector on the Democratic ticket. The same year he was elected a member of the Missouri House of Representatives, and was recognized as a man of ability and influence in legislative matters.

When the question of Secession was brought up, his sympathies and interests were with the South, and he favored that measure. He was sent to the Con-

federate House of Representatives, where he remained about two years, and then was a member of the Senate for one year. He devoted all his energies to the success of the Confederate cause, in the work of the legislative department of the government, in devising ways and means for placing an army in the field, and providing for its equipment and sustenance.

When the attempt to establish a Southern Republic failed; when defeat and capture overtook the armies in the field, and the departments of the Confederate government were shattered and destroyed; when the old flag once more kissed the breezes from Southern hill-tops, and waved triumphantly in the valleys, Mr. Vest once more sought the borders of his adopted State.

He selected Kansas City as his residence, and resumed the practice of his profession, to which he devoted his undivided time and attention. In 1878 he was elected a member of the United States Senate, to succeed the Hon. James Shields, who had filled the vacancy occasioned by the death of Senator Lewis V. Bogy. He took his seat in the Senate on the 18th of March, 1879.



GEORGE G. VEST.

ENGRAVED FOR GRAYSON AND GRAYSON, FARMBANKS, PALMER & CO., PUBLISHERS.



Mr. Vest has rendered efficient service on the committees of "Commerce," "Territories," "Public Buildings and Grounds," and "American Ship Build-

ing." He takes an active part in the proceedings of the Senate, and devotes his energies to the advancement of public business.

### ARREARS OF PENSION.

*Mr. Vest's Speech, delivered in the United States Senate, Dec. 14th, 1887.*

MR. PRESIDENT: I shall certainly not undertake to address the Senate at any great length at present. I desire simply to say a very few words in explanation of my vote upon this measure.

So many widely different statements have been made in regard to the amount required by arrears of pensions that I will ask the Secretary to read an estimate very kindly furnished me by Colonel Dudley, Commissioner of Pensions, and which has evidently been carefully prepared. \* \* \* Exhibit. \*

It appears then, from this official statement, that the sum total then to be paid by reason of arrears of pensions is \$301,964,493, and we are to declare by our votes upon the pending resolution whether this amount is to be paid to the soldiers of the Union, their widows and orphans, or not.

Mr. President, I was a Confederate, honestly and earnestly, my whole soul devoted to the success of that cause which surrendered at Appomattox; and if I mention this personal history now, it is only that I may say most emphatically that I accepted, without limitation or evasion, the full and legitimate results of that surrender. All that I have ever asked, all that I ask now, all that the South asks, is that we may be believed to be honest in having espoused the Confederate cause, and honest in

our statement of having accepted fully the results of its defeat. Mr. President, those who risked and lost all, have a right to demand this, and it will be accorded by every just and generous mind.

Among the evident and legitimate results of triumph to the Union arms was the payment of pensions and bounty to the men whose valor and heroism had given victory to the Union cause. The people that would not thus reward the priceless offering of life and limb for the nation's life, should be blotted out from the map of Christendom.

Sir, I was a member of the Confederate Senate, and if our cause had been successful I would have voted pensions and arrears of pensions to the survivors of those gallant brigades, whose tattered gray was so often hurled against the Union lines by Lee and Jackson, until not one dollar of money or acre of land could have been found to meet the just demand. And now, standing before victors, and vanquished, I declare that while the Confederates cheerfully accept the result which leaves to them only the consciousness of honest motives and the history of unquestioned heroism, they accept the further result which gives to the soldiers of the Union what has been awarded them by a grateful country. If there be fraud, I am ready to assist in its prevention and punishment; if

there be delay, I am ready to remove its causes; but I will never vote against the principles incorporated in existing statutes as to pensions, or to take one cent from those for whose benefit these statutes were enacted.

#### WOMAN SUFFRAGE.

*Mr. Vest's Speech, delivered in the United States Senate, Feb. 21st, 1882.*

MR. PRESIDENT: I have had the honor, for a few years, to be a member of the Committee on Public Buildings and Grounds, and my colleagues on that committee will bear witness with me, to the trouble and annoyance which, at every session, have arisen in regard to giving accommodations to the special committees. For this reason I oppose the proposition now before the Senate.

But, Mr. President, I will be entirely ingenuous and give another reason. This is simply a step toward the recognition of woman suffrage, and I am opposed to it upon principle in its inception. In my judgment, it has nothing but mischief in it, to the institutions and to the society of this whole country. I do not propose to enter into a discussion of that subject to-day, but it will be proper for me to make this statement, and I make it, intending no reflection upon the zealous ladies who have engaged, for the past ten years, in manufacturing a public sentiment upon this question. I received, to-day, a letter from a distinguished lady in my own State, for whom I have personally the greatest admiration and respect, calling my attention to the fact that I propose to deny jus-

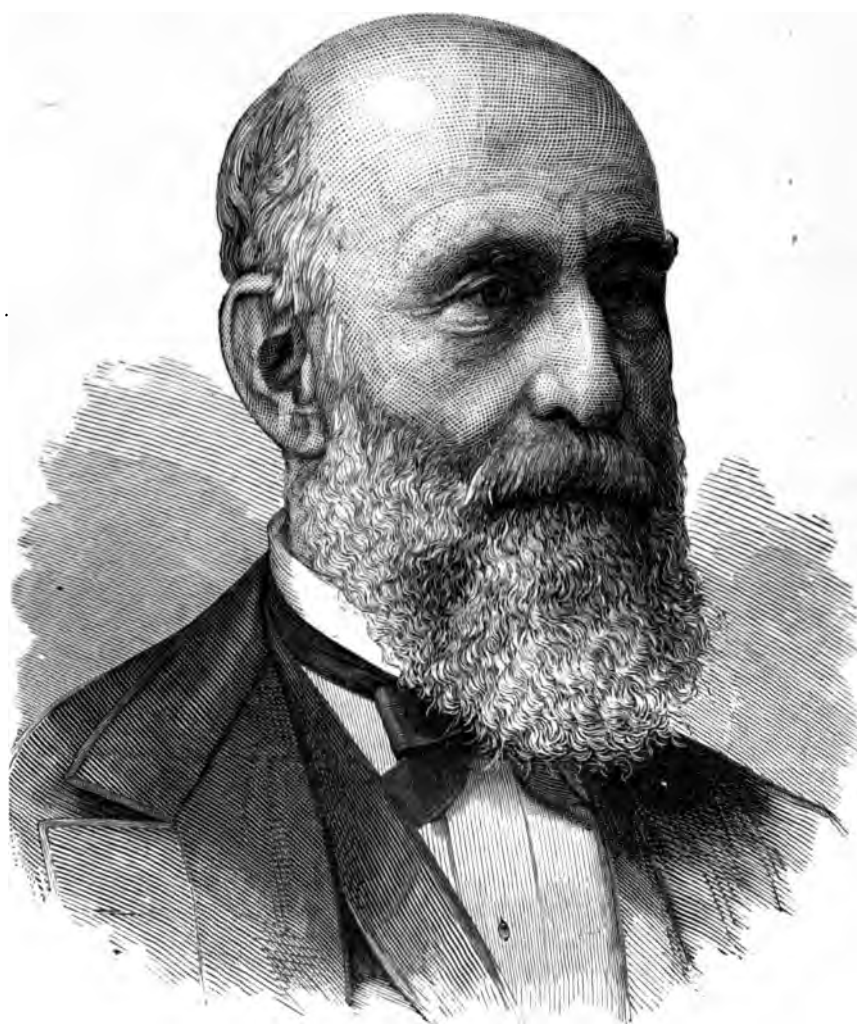
tice to the women of the country. Mr. President, I deny it. It is because I believe that the conservative influence of society in the United States rests with the women of the country, that I propose not to degrade the wife and mother to the ward politician, the justice of the peace, or the notary public. It is because I believe, honestly, that all the best influences for the conservatism of society rest upon the women of the country in their proper sphere, that I shall oppose this and every other step, now, and henceforth, as violating, as I believe, one of the great, essential, fundamental laws of nature and society.

Mr. President, the revenges of nature are sure and unerring, and these revenges are just as certain in political matters and in social matters, as in the physical world. Now and here, I desire to record, once for all, my conviction that in this movement to take the women of the country out of their proper sphere of social influence, that great and glorious sphere in which nature and nature's God have placed them, and rush them into the political arena, the attempt is made to put them where they were never intended to be, and I, now and here, record my opposition to it. This may seem to be but a small matter, but as this letter shows, and I reveal no private confidence, it recognizes the first great step in this reform, as its advocates are pleased to term it. My practice and conviction as a public man, is to fight every wrong where I believe it to exist. I am opposed to this movement. I am opposed to it upon principle, upon conviction, and I shall call for the yeas and nays in order to record my vote against it here and now.










GEORGE F. EDMUNDS.

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## GEORGE F. EDMUNDS.

HE American Statesman who renders the most valuable services to his country, is not always the one who receives the loudest praise, or is most rewarded by the public at large.

Such, in a measure, has been the fortune of the Hon. George F. Edmunds, of Vermont. While acknowledged by his associates in the United States Senate as one of the ablest members of that body, he has done his valuable work so quietly that the names of many less able men are more popular with the great mass of the people than his.

He was born at Richmond, Vermont, February 1, 1828. He received a good education, chose the law for his profession, and devoted himself to the mastery of its principles and practice. In his profession he has been eminently successful, and occupies a position second to none other in the country.

He was a member of the lower branch of the State Legislature from 1854 to 1859, serving three years of that time as Speaker of that body. In 1861, he was elected a member of the State Senate, serving two years, and was its President

*pro tempore*. On the death of Senator Foot, he was appointed to the vacancy in the United States Senate, and took his seat in April, 1866. When the legislature met, he was elected to fill out the unexpired term.

His services here, as everywhere else, proving acceptable, he has been continued in the Senate by successive re-elections in 1869, '75, and '81. Mr. Edmunds is not yet an old man, though one of the oldest in continuous service in the Senate. His entrance into the public life of the Nation was at the close of the terrible civil war. The conflict on the field was over; the military power of the Rebellion was crushed, and people fondly hoped the conflict was ended in all of its phases.

When the national government began to grapple with the reconstruction of the seceded States, grave questions, as well as grave dangers, were to be dealt with, not with the destructive power of war, but with the preserving and upbuilding power of constitutional right and justice.

Mr. Edmunds was well qualified to take a part in the discussion and decision of these questions. No important measure has come before Congress in the

past sixteen years that has not received his careful attention, and, from his prominent position on the Judiciary Committee, he has been able to exercise an effectual influence for good in the important legislation coming particularly before that committee.

Mr. Edmunds was urged by his friends as a candidate for the Presidency before the Chicago convention, in 1880, but, like all other aspirants for the nomination at that time, he was unsuccessful.

He was the author of the "Edmunds Bill," which was created to suppress polygamy among the Mormons in Utah. Though not as immediately successful as was expected, yet it has accomplished much in the way of reform in that Territory.

At the close of the 47th Congress in March, 1883, Mr. Edmunds was elected president *pro tem.* of the Senate, over Thomas F. Bayard, of Delaware, who had been nominated by the Democrats.

## POLYGAMY.

*Mr. Edmund's Speech, delivered in the United States Senate, Feb. 17, 1882.*

MR. PRESIDENT: It would have been agreeable to me to have occupied an hour, it may be, in stating to the Senate all that has led me, and the Committee on the Judiciary, to report this bill; but I have only ten minutes, which is enough for any condensed purpose.

The Senator from Ohio [Mr. Sherman], I suspect is quite right in what he has said, that this measure is very likely not to accomplish all that some people might suppose it would accomplish. It may be that the domination of this autocracy, hierarchy, theocracy—I use all the terms—will still control the political action of the Territory of Utah, but we try the mildest of measures first. We take out by this bill from the present government of Utah all of its essential powers, because the statistics and the information that we have, demonstrate that the government of the Territory of Utah from top to bottom, now is, and has been for a long time—I do not know but all the time—includ-

ing both houses of its Territorial Assembly, in the hands of the polygamists. Every member of its Council, but one, is a polygamist, glorying in from two to six wives. Every one but two or three of the twenty-six members of its house of representatives is also adorned with that distinction. And when you go into the executive offices of that Territory, much the same thing exists.

Now, this act, if it has no other effect, will have the effect of displacing from political supremacy all the persons whom the laws of the United States for twenty years have said, were people who ought not to be allowed to administer the affairs of government. It will have that effect, provided the President of the United States, and the Senate of the United States, his constitutional advisers, select for the administrative and judicial offices of that Territory, men who are wise enough, and able enough to enforce the laws; and that, I may say, has

been the great difficulty for the last twenty years, and the government of the United States is far from being free from criticism upon that point.

Now, if there be in this Mormon church a body of people, as we believe there are, who have no more faith in this idea of polygamy than any Senator who hears me has, as a fact, and who wish to discourage it, and who wish to emancipate themselves from the tyranny of this hierarchy that now has its foot upon their necks, there will be a chance for them to assert themselves.

It is true that this is something like what the Senator from Georgia, and some other people, have alluded to indirectly; it is one of the "twin relics of barbarism;" and it is true, that it may seem to people who have failed to forget, as I hope most of us have forgotten, that political differences have led to what have appeared to be harsh measures, that they are committing themselves to a principle that they had denied before, in saying that they will not allow people who practice this unchristian, unrepudican, destructive thing, to carry on a government over which we have control, and they may think this involves them in a contradiction about something that is past. I do not think it does; but I cannot fail to see, nobody can fail to see, from what some Senators have said, that the chief opposition to this bill has grown out of a sentiment of co-ordination, if I may use that phrase, with something that has gone by, and that had existed and that led to particular events.

There was the fourteenth amendment to the Constitution of the United States that excluded from office, excluding a large number of citizens of the United States. These citizens, or most of them, undoubtedly, for that those who have not forgotten, as I am sure they had and as I have said, I am speaking up to remember it here, as some feel that it is a just law that sort of thing, and that which was established by the fourteenth

amendment, from holding office people who engaged in what was called a rebellion—and I use that phrase intentionally, because I will offend no man's opinions, and do not wish to—we are doing something contradictory to the resistance to that idea. It is not so at all, Mr. President. No man, North or South, who believes in the Christian religion, who believes in a Republican government, can maintain, or has maintained in this body, that this institution of polygamy is one that can exist consistently with our universal idea of the true theory of a Republican government. Nobody has pretended such a thing.

Then may I not assume that we wish to get rid of it? Everybody says we do. How are you going to do it? You say you do not like what we have proposed. Will you propose something else? Oh, no! It is always some other day, some other measure, that is not now defined, that is not now brought forward. It is some other day, some other time, some other measure, than the one that is proposed.

Now, I come back to the precise point that we have before us, the essential substance of this bill—and I cannot waste my ten minutes in talking about constitutional considerations—is that the distinction between the power of the people to regulate political rights and their power to deny civil rights is as plain as anything can be. In the case of the constitution of every State in this Union, almost, there has always been the provision that no man who is an idiot, a pauper, or a lunatic, shall be entitled to vote; and that question of whether he is entitled to vote is not submitted to a judicial tribunal to decide whether he is a pauper or an idiot; but it is decided in the first instance, except as in every case and as it is here, by an appeal to a judicial tribunal, on the special authority of the State in which the person lives. That has existed in I presume every State since time. Upon what principle then is a matter is decided upon the principle that the only of the

people—and that for the Territories is the Congress of the United States and nobody else, for we might abolish them to-morrow—have the right to determine who shall exercise a political franchise as distinct from a private or civil right.

The Supreme Court of the United States, in the woman suffrage case, have recognized and affirmed exactly the same proposition, that the right to vote or to hold office is not an inherent right of a citizen, but it is a conventional right dependent upon the will of the majority of the community in which the right is claimed to exist. That is just what this does.

Now we come to the practical point. The government of the Territory of Utah in every one of its practical, administrative and political aspects is a government of polygamists—not a government of faith or opinion, but a government of fact. The men who practice that thing are in possession of that government; they are in possession of it in defiance of the statutes of the United States punishing that thing; they are in possession of it in defiance of all civilized, Christian, modern understanding of what it is right to do, not what it is right to think.

The Committee on the Judiciary recognize to the fullest extent all that has been said touching the right of every man and of every woman to believe precisely what he or she likes. He may be an infidel, and believe in nothing; he may be of any sect; he may believe that a hundred wives or no wives are right; he may believe in horse stealing or whatever he likes. So long as he believes, merely, he has a right to his opinion; but when it comes to what he has to do in the government of a country, it is a different thing. The horse thief may not sit on the jury where a horse thief is on trial, if he says, on being asked, that he thinks horse stealing is a Christian duty; and yet some people have talked to us the idea that if you exclude horse thieves from a jury that is to try a horse

thief, you have packed the jury. That is not the case, unless it be that every jury is packed in a sense. As I said some time ago, each jury, like every other agency of government, must believe in the law that they are called upon to enforce; otherwise the law becomes a mere mockery, and trial by jury a sham. You must in that sense pack it upon one side or the other; and upon which side? If you are to have a government at all, you must pack it on the side of the people who believe in the laws that they are sworn, when they take their places in the jury box, to faithfully and impartially execute. That has existed without statute as the common law; it is the common law now; it is the law of the United States in Utah now, and this jury clause that we have in this bill only puts into form, and provides convenient methods of carrying out exactly what the Supreme Court of the United States has decided that the law now is.

Then you come to the practical point, whether you are willing to deal with this question, not as a question of faith at all—for there is no clause in the bill that can be tortured into dealing with or affecting any man's faith; but there are clauses in the bill that deal with his conduct, and his conduct, be it a conduct of faith, or a conduct of practice without faith, falls within the very principle of every organized community of being subject to be dealt with by the authority of that community. Nobody questions that; and when you deprive the pauper in Illinois, Georgia, or Vermont, of the right to vote, you do not say that he must be convicted of pauperism by a judicial trial in advance. You say that the political authority must decide in the first instance whether he is a pauper or not. If that political authority decides wrongfully against him, and his vote turns the question of how that election is to go, the judicial authorities come into play, and put the man in his right place. That is exactly the effect of this bill.

So then, sir, we come back to the question of whether the Congress of the United States is willing to deal with the fact of a polygamous government of a Territory of the United States, over which, I assume—because I cannot go into the constitutional, or so-called constitutional, argument—the United States has supreme control as to its political character. That is all there is to it. If we have that control, which I assume, then the question is, whether, saying, all of us, that we are against the practice of polygamy, and do not believe that a polygamous community ought to be entitled to carry on the government as a polygamous government, we shall put the offices of that community into the hands of those who are not polygamists. That is all there is to it, and there is nothing more to it that can be stated. If you do not want to do it, if you wish things to go on as they are, let them go. It is for the Senate to determine.

More than that, and beyond that, it is not the mere practice of polygamy, bad as it is, but that it happens to be an inherent and controlling force in the most intense and anti-Republican hierarchy, theocracy, as an organized and systematic government, that, so far as my small reading has gone, has ever existed on the face of the earth. The Church of Latter Day Saints, a corporation organized under the authority of law, controls, in every respect, every step in the Territorial operations of that community. The three presidents, by step after step, the three first presidents, as they are called, but I believe that the last one of these is the absolute ruler in point of fact—you may disguise it and gloss it as

you please—of the destiny and the fate of that people, polygamists, Mormons who are not polygamists, and Gentiles. Is that Republican? Can you tolerate in the heart of this continent of republics the building up of a State of that character? That is the question. If you cannot tolerate it, and have the power to dispose of it, are you willing to exert that power? That is the question. The bill is one step, only one step, to that end. The Committee on the Judiciary have under consideration other and further measures, which I hope we shall report in due time, which will make up and supplement this measure, to eradicate, as far as just government may, not any man's faith or opinion, but to bring the political community that exists within the boundaries of that Territory into its Republican relations with the great Republic that surrounds it. That is all.

You can always find reasons, and flaws, and difficulties for not doing a thing if you do not wish to do it, and the Committee on the Judiciary do not suppose that this measure alone is sure to have the effect that some people imagine it is to have; but we hope that this Senate, before it is through with this business, will do all—and that will be sufficient—that the absolute political power of this government has within its reach to accomplish, for the purpose, not of breaking down any man's faith or his opinions, but making the practice of the government of the Territory of Utah and of its inhabitants conformable to what is essential to the Republican safety of every one of the States of this Union, and the Republican safety of them all under the Union of the United States.



## JAMES G. BLAINE.

**J**AMES G. BLAINE, one of the most popular and noted political leaders now living in America, was born in Washington county, Pennsylvania, January 31, 1830. He received a thorough education, graduating with honors from Washington College, in 1847. He engaged for a short time in teaching, but early removed to Maine, and selected that State as his future home. His first employment was as a writer on the Kennebec "Journal," which at that time was one of the leading papers of the state. In a short time he became editor of the Portland "Advertiser," which gave him quite a prominent and influential position. He served for a time in a clerical position in the Legislature, and in 1859 was elected a member of the lower house of that body. His term of service was continued to 1862. The last two years he served in the capacity of Speaker of the House.

In 1862 he was elected to the National House of Representatives, where he proved himself an able legislator, a firm and active friend and supporter of the Union, and advocated the vigorous prosecution of the war. He was continuously

a member of the House from 1862 to 1876, comprising a period of about fourteen years of very important services. Six years of this time he occupied the Speaker's chair, where, by his impartiality and ability, he won an enviable reputation, and facilitated the transaction of public business. While the Legislative work of the Speaker is very quiet, it is, nevertheless, most important. The constitution of the committees is in a large degree his work. If these be wisely arranged it will prove an important element in advancing Congressional business; if they be unwisely constituted, but little may be done, and that little in an imperfect manner. While Mr. Blaine did not take any important part in the apparent work of legislation, yet the silent influence and efficient work through the wisely constituted committees cannot be overestimated. The period, too, when he occupied the Speakership, from 1868 to 1874, was the time of the important reconstruction legislation, when so much depended upon wise committee work. He was ever solicitous that the victories achieved on the battlefield should be faithfully secured by legislative enact-





JAMES O. BLAKE

Engraving by J. O. Blake, New York, 1860.



ments. He favored the provision, if he was not its author, that any state in the South should have full restoration to its place and privilege in the Union, on the sole condition of ratifying the amendments of the Constitution. From 1874 to 1876 he was the leader of his party on the floor of the House, and for consummate ability and tact as a Parliamentary leader he has never been surpassed.

When Lot M. Morrill was appointed Secretary of the Treasury, in July, 1876, Mr. Blaine was appointed his successor in the Senate. He at once stepped into prominence in the deliberations of that body. The same year he was one of the most prominent candidates before the Republican National Convention for the nomination for President. He had a larger number of votes than any other candidate, but the opposition, combining their forces upon Mr. Hayes, of Ohio, Mr. Blaine was defeated. He continued to render important services in the Senate

for the succeeding four years, and in 1880 was again a prominent aspirant for the Presidency, but was again unsuccessful. When President Garfield was inaugurated, in 1881, Mr. Blaine was appointed Secretary of State in his Cabinet, and entered upon his new duties with the same earnestness and vigor that always characterized him. After the assassination of President Garfield, Mr. Blaine remained in the Cabinet until the early part of 1882, when he retired to private life, and the care of his personal business.

During the last session of the Forty-sixth Congress, Mr. Blaine was appointed to prepare an eulogy on the late President Garfield, which was delivered to the two Houses while in joint session, February 17th, 1882. This address, which is published in full in this volume, made Mr. Blaine's name a household word in nearly every part of the civilized world.

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### EULOGY ON GARFIELD.

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*Delivered by Mr. Blaine at the Memorial Service in Washington, Feb. 27, 1882.*

MR. PRESIDENT: For the second time in this generation, the great departments of the Government of the United States are assembled in the Hall of Representatives, to do honor to the memory of a murdered President. Lincoln fell at the close of a mighty struggle, in which the passions of men had been deeply

stirred. The tragical termination of his great life, added but another to the lengthened succession of horrors which had marked so many lintels with the blood of the first-born. Garfield was slain in a day of peace, when brother had been reconciled to brother, and when anger and hate had been banished from the land. "Who-

ever shall hereafter draw the portrait of murder, if he will show it as it has been exhibited where such example was least to have been looked for, let him not give the grim visage of Moloch, the brow knitted by revenge, the face black with settled hate. Let him draw rather a decorous, smooth-faced, bloodless demon, not so much an example of human nature in its depravity and in its paroxysms of crime, as an infernal being, a fiend in the ordinary display and development of his character."

From the landing of the Pilgrims at Plymouth till the uprising against Charles I., about 20,000 emigrants came from Old England to New England. As they came in pursuit of intellectual freedom and ecclesiastical independence, rather than for worldly honor and profit, the emigration naturally ceased when the contest for religious liberty began in earnest at home. The man who struck his most effective blow for freedom of conscience, by sailing for the Colonies in 1620, would have been accounted a deserter to leave after 1640. The opportunity had then come on the soil of England for that great contest, which established the authority of Parliament, gave religious freedom to the people, sent Charles to the block, and committed to the hands of Oliver Cromwell the supreme executive authority of England. The English emigration was never renewed, and from these 20,000 men, with a small emigration from Scotland and from France, are descended the vast numbers who have New England blood in their veins. In 1685 the revocation of the Edict of Nantes by Louis XIV., scattered to other countries 400,000 Protestants, who were among the most intelligent and enterprising of the French subjects—merchants of capital, skilled manufacturers, and handicraftsmen, superior at the time to all others in Europe. A considerable number of these Huguenot French came to America. A few landed in New England, and became prominent in its history.

Their names have in large part become angli-

cized, or have disappeared, but their blood is traceable in many of the most reputable families, and their fame is perpetuated in honorable memorials and useful institutions. From these two sources, the English Puritan and the French Huguenot, came the late President, his father, Abram Garfield, being descended from the one, and his mother, Eliza Ballou, from the other. It was good stock on both sides—none better, none braver, none truer. There was in it an inheritance of courage, of manliness, of imperishable love of liberty, of undying adherence to principle. Garfield was proud of his blood, and, with as much satisfaction as if he were a British nobleman reading of his stately ancestral record in Burke's Peerage, he spoke of himself as ninth in descent from those who would not endure the oppression of the Stuarts, and seventh in descent from the brave French Protestants, who refused to submit to tyranny even from the Grand Monarque. Gen. Garfield delighted to dwell on these traits, and during his only visit to England he busied himself in discovering every trace of his forefathers in parish registries, and on ancient army rolls. Sitting with a friend in the gallery of the House of Commons one night, after a long day's labor in this early field of research, he said with evident elation, that in every war in which for three centuries patriots of English blood had struck sturdy blows for constitutional government and human liberty, his family had been represented. They were at Marston Moor, at Naseby, and Preston; they were at Bunker Hill, at Saratoga, and at Monmouth, and his own person had battled in the same great cause in the war which preserved the Union of States. Losing his father before he was two years old, the early life of Garfield was one of privation, but its poverty has been made indelicately and unjustly prominent. Thousands of readers have imagined him as a ragged, starving child, whose reality too often greets the eye in the squalid sections of our large

cities. Gen. Garfield's infancy and youth had none of the pitiful features appealing to the tender heart and to the open hand of charity. He was a poor boy in the same sense in which Henry Clay was a poor boy; in which Andrew Jackson was a poor boy; in which Daniel Webster was a poor boy; in the same sense in which a large majority of the eminent men of America in all generations have been poor boys.

Before a great multitude of men in a public speech, Mr. Webster bore this testimony: "It did not happen to me to be born in a log-cabin, but my elder brothers and sisters were born in a log-cabin, raised amid the snow-drifts of New Hampshire, at a period so early that when the smoke rose first from its crude chimney and curled over the frozen hills, there was no similar evidence of a white man's habitation between it and the settlements on the rivers of Canada. It remains still. I make it an annual visit. I carry my children to it to teach them the hardships endured by the generations which have gone before them. I love to dwell on the tender recollections, the kindred ties, the early affections, and the touching narratives and incidents which mingle with all."

I know of this primitive family abode, with the requisite change of scene, the same words would aptly portray the early days of Garfield. The poverty of the frontier, where all are engaged in a common struggle, and where a common sympathy and hearty co-operation lighten the burdens of each, is a very different poverty—different in kind, different in influence and effect from that conscious and humiliating indigence, which is every day forced to contrast itself with neighboring wealth, on which it feels a sense of grinding dependence. The poverty of the frontier is indeed no poverty. It is but the beginning of wealth, and has the boundless possibilities of the future always opening before it. No man ever grew up in the agricultural regions of the West, where a

house-raising, or even a corn-husking is matter of common interest or helpfulness, with another feeling than that of broad-minded, generous independence. This honorable independence marked the youth of Garfield, as it marks the youth of millions of the best blood and brain, now training for the future citizenship and future government of the Republic. Garfield was born heir to land, to the title of freeholder, which has been the patent and passport of self-respect with the Anglo-Saxon race ever since Hengist and Horsa landed on the shores of England. His adventure on the canal, an alternative between that and the deck of a Lake Erie schooner, was a farmer boy's device for earning money, just as the New England lad begins a possibly great career by sailing before the mast on a coasting vessel, or on a merchant-man bound to the farther India or to the China seas. No manly man feels anything of shame in looking back to early struggles with adverse circumstances, and no man feels a worthier pride than when he has conquered the obstacles to his progress. But no one of noble mold desires to be looked upon as having occupied a menial position, as having been repressed by a feeling of inferiority, or as having suffered the evils of poverty until relief was found at the hand of charity. General Garfield's youth presented no hardships which family love and family energy did not overcome, subjected him to no privations which he did not cheerfully accept, and left no memories save those which were recalled with delight and transmitted with profit and with pride.

Garfield's early opportunities for securing an education were extremely limited, and yet were sufficient to develop in him an intense desire to learn. He could read at three years of age, and each winter he had the advantage of the district school. He read all the books he found within the circle of his acquaintance. Some of them he got by heart. While yet in childhood he was a constant student of the Bible, and became

familiar with its literature. The dignity and earnestness of his speech in his maturer life gave evidence of this early training.

At eighteen years of age he was able to teach school, and thenceforward his ambition was to obtain a college education. To this end he bent all his efforts, working in the harvest field, at the carpenter's bench, and in the winter season teaching the common schools of the neighborhood.

While thus laboriously occupied, he found time to prosecute his studies, and was so successful that at twenty-two he was able to enter the Junior class at Williams College, then under the Presidency of the venerable and honored Mark Hopkins, who, in the fullness of his powers, survived the eminent pupil to whom he was of inestimable service.

The history of Garfield's life to this period presents no novel features. He had, undoubtedly, shown perseverance, self-reliance, self-sacrifice, and ambition—qualities which, be it said, for the honor of our country, are everywhere to be found among the young men of America. But from his graduation at Williams, onward to the hour of his tragical death, Garfield's career was eminent and exceptional. Slowly working through his educational period, receiving his diploma when only twenty-four, he seemed at one bound to spring into conspicuous and brilliant success. Within six years he was successively President of a college, State Senator of Ohio, Major-General of the army of the United States, and Representative to the National Congress—a combination of honors so varied, so elevated, within a period so brief, and to a man so young, is without precedent or parallel in the history of the country.

Garfield's army life was begun with no other military knowledge than such as he had hastily gained from books in the few months preceding his march to the field. Stepping from civil life to the head of a regiment, the first order he received when ready to cross the Ohio was to

assume command of a brigade, and to operate as an independent force in Eastern Kentucky. His immediate duty was to check the advance of Humphrey Marshall, who was marching down the Big Sandy with the intention of occupying, in connection with other Confederate forces, the entire territory of Kentucky, and of precipitating the State into secession. This was at the close of the year 1861. Seldom, if ever, has a young college professor been thrown into a more embarrassing and discouraging position. He knew just enough of military science, as he expressed it himself, to measure the extent of his ignorance, and, with a handful of men, he was marching in rough winter weather into a strange country, among a hostile population, to confront a largely superior force, under the command of a distinguished graduate of West Point, who had seen active and important service in two preceding wars. The result of the campaign is matter of history. The skill, the endurance, the extraordinary energy shown by Garfield, the courage he imparted to his men, raw and untried as himself; the measures he adopted to increase his force and to create in the enemy's mind exaggerated estimates of his numbers, bore perfect fruit in the routing of Marshall, the capture of his camp, the dispersion of his force, and the emancipation of an important territory from the control of the rebels. Coming at the close of the long series of disasters to the Union arms, Garfield's victory had an unusual and extraneous importance, and, in the popular judgment, elevated the young commander to the rank of a military hero. With less than two thousand men in his entire command, with a mobilized force of only eleven hundred, without cannon, he had met an army of five thousand and defeated them, driving Marshall's forces successfully from two strongholds of their own selection, fortified with abundant artillery. Major-General Buell, commander of the Department of Ohio, an experienced soldier of the regular army, published

an order of thanks and congratulations on the brilliant result of the Big Sandy campaign, which would have turned the head of a less cool and sensible man than Garfield. Buell declared that his services had called into action the highest qualities of a soldier, and President Lincoln supplemented these words of praise by the more substantial reward of a Brigadier General's commission, to bear date from the day of his decisive victory over Marshall.

The subsequent military career of Garfield fully sustained the brilliant beginning. With his new commission he was assigned to the command of a brigade in the Army of the Ohio, and took part in the second and decisive day's fight in the great battle of Shiloh.

The remainder of the year 1862 was not especially eventful to Garfield, as it was not to the armies with which he was serving. His practical sense was called into exercise in contemplating the task assigned him by Gen. Buell, of reconstructing bridges and re-establishing lines of railway communication for the army. His occupation in this useful but not brilliant field was varied by service on courts-martial of importance, in which department of duty he won a valuable reputation, attracting the notice and securing the approval of the able and eminent Judge Advocate General of the army. That of itself was warrant to honorable fame, for among the great men who in those trying days gave themselves with entire devotion to the service of their country, one who brought to that service the respect, learning, the most fervid eloquence, the most varied attainments, who in the day of triumph sat reserved and silent and grateful, "as Francis Deak in the hour of Hungary's deliverance," was Joseph Holt, of Kentucky, and in his honorable retirement he enjoys the respect and veneration of all who love the union of the States.

Early in 1863, Garfield was assigned to the highly important and responsible post of Chief of Staff to Gen. Rosencrans, then at the head of

the Army of the Cumberland. Perhaps in a great military campaign no subordinate officer requires sounder judgment and quicker knowledge of men than the Chief of Staff to the commanding general. An indiscreet man, in such a position, can sow more discord, breed more jealousy, and disseminate more strife than any other officer in the entire organization. When Gen. Garfield assumed his new duties, he found various troubles already well developed, and seriously affecting the value and efficiency of the Army of the Cumberland. The energy, the impartiality, and the tact with which he sought to allay these dissensions, and to discharge the duties of his new and trying position, will always remain one of the most striking proofs of his great versatility. His military duties closed on the memorable field of Chickamauga, a field which, however disastrous to the Union arms, gave to him the occasion of winning imperishable laurels. The very rare distinction was accorded him of a great promotion for his bravery on a field that was lost. President Lincoln appointed him a Major-General in the army of the United States, "for gallant and meritorious conduct in the battle of Chickamauga."

The Army of the Cumberland was reorganized under the command of Gen. Thomas, who promptly offered Garfield one of its divisions. He was extremely desirous to accept the position, but was embarrassed by the fact that he had, a year before, been elected to Congress, and the time when he must take his seat was drawing near. He preferred to remain in the military service, and had, within his own breast, the largest confidence of success in the wider field which his new rank opened to him. Balancing the arguments on the one side and the other, anxious to determine what was for the best, desirous, above all things, to do his patriotic duty, he was decisively influenced by the advice of President Lincoln and Secretary Stanton, both of whom assured him that he

could, at that time, be of especial value in the House of Representatives. He resigned his commission of Major-General on the 5th day of December, 1863, and took his seat in the House of Representatives on the 7th. He had served two years and four months in the army, and had just completed his thirty-second year.

The Thirty-eighth Congress is prominently entitled in history to the designation of the War Congress. It was elected while the war was flagrant, and every member was chosen upon the issues involved in the continuance of the struggle. The Thirty-seventh Congress had indeed legislated to a large extent on war measures, but it was chosen before any one believed that secession of the States would be actually attempted. The magnitude of the work which fell upon its successor was unprecedented, both in respect to the vast sum of money raised for support of the army and navy, and of the new and extraordinary powers of legislation which it was forced to exercise. Only twenty-four States were represented, and 182 members were upon its rolls. Among these were many distinguished party leaders on both sides—veterans in the public service, with established reputations for ability, and with that skill which comes only from parliamentary experience. Into this assemblage of men Garfield entered, without special preparation, and, it might almost be said, unexpectedly. The question of taking command of a division of troops under General Thomas, or taking his seat in Congress, was kept open till the last moment—so late, indeed, that the resignation of his military commission and his appearance in the House were almost contemporaneous. He wore the uniform of a Major-General of the United States army on Saturday, and on Monday, in civilian's dress, he answered to the roll-call as a Representative in Congress from the State of Ohio.

He was especially fortunate in the constituency which elected him. Descended almost en-

tirely from New England stock, the men of the Ashtabula district were intensely radical on all questions relating to human rights, well educated, thrifty, thoroughly intelligent in affairs, acutely discerning of character, not quick to bestow confidence, and slow to withdraw it, they were at once the most helpful and most exacting of supporters. Their tenacious trust in men in whom they have once confided is illustrated by the unparalled fact that Elisha Whittlesey, Joshua R. Giddings, and James A. Garfield represented the district for fifty-four years. There is no test of a man's ability in any department of public life more severe than service in the House of Representatives; there is no place where so little deference is paid to reputation previously acquired or to eminence won outside; no place where so little consideration is shown for the feelings or failures of beginners. What a man gains in the House he gains by sheer force of his own character, and, if he loses and falls back, he must expect no mercy, and will receive no sympathy. It is a field in which the survival of the strongest is the recognized rule, and where no pretense can survive, and no glamour can mislead. The real man is discovered, his worth is impartially weighed, his rank is irrevocably decided. With possibly a single exception, Garfield was the youngest member in the House when he entered, and was but seven years from his college graduation; but he had not been in his seat sixty days before his ability was recognized, and his place conceded. He stepped to the front with the confidence of one who belonged there; the House was crowded with strong men of both parties; nineteen of them have since been transferred to the Senate, and many of them have served with distinction in the gubernatorial chairs of their respective States, and on foreign missions of great consequence. But, among all, none grew so rapidly, none so firmly, as Garfield. As is said by Teyelan of his parliamentary hero, Garfield succeeded be-



cause all the world in concert could not have kept him in the background, and because, when once in the front, he played his part with a prompt intrepidity and a commanding ease that were but the outward symptoms of the immense reserves of energy on which it was in his power to draw. Indeed, the apparently reserved force which Garfield possessed was one of his great characteristics. He never did so well but that it seemed he could easily have done better. He never expended so much strength but that he seemed to be holding additional power at call. This is one of the happiest and rarest distinctions of an effective leader, and often counts for as much in persuading an assembly as an eloquent and elaborate argument.

His military life, illustrated by honorable performance and rich in promise, was, as he himself felt, prematurely terminated and necessarily incomplete. Speculation as to what he might have done in a field where the great prizes are so few cannot be profitable. It is sufficient to say that as a soldier he did his duty bravely, he did it intelligently, he won an enviable fame, and he retired from the service without blot or breath against him. As a lawyer, though admirably equipped for the profession, he can scarcely be said to have entered on its practice.

The few efforts made at the bar were distinguished by the same high order of talent which he exhibited on every field where he was put to the test, and, if a man may be accepted as a competent judge of his own capacities and adaptations, the law was the profession to which Garfield should have devoted himself. But fate ordained otherwise, and his reputation in history will rest largely upon his services in the House of Representatives. That service was exceptionally long. He was nine times consecutively Congressman to the House, an honor enjoyed by not more than six other Representatives of the more than one thousand

who have been elected from the organization of the government to this hour.

As a parliamentary orator, as a debater on an issue squarely joined, where the position had been chosen and the ground laid out, Garfield must be assigned a very high rank—more, perhaps, than any man with whom he was associated in public life. He gave careful and systematic study to public questions, and he came to every discussion in which he took part with elaborate and complete preparations. He was a steady and indefatigable worker. Those who imagine that talent or genius can supply the place, or achieve the results of labor, will find no encouragement in Garfield's life. In preliminary work he was apt, rapid, and skillful. He possessed in a high degree the power of readily absorbing ideas and facts, and, like Dr. Johnson, had the art of getting from a book all that was of value in it, by a reading apparently so quick and cursory that it seemed like a mere glance at the table of contents. He was pre-eminently a fair and candid man; in debate he took no petty advantage, stooped to no unworthy methods, avoided personal allusion, rarely appealed to prejudice, did not seek to inflame passion. He had a quicker eye for the strong point of his adversary than for his weak point, and on his own side he so marshaled his weighty arguments as to make his hearers forget any possible lack in the complete strength of his position. He had a habit of stating his opponent's side with such amplitude of fairness, and such liberality of concession, that his followers often complained that he was giving his case away. But never, in his prolonged participation in the proceedings of the House, did he give his case away, or fail, in the judgment of competent and impartial listeners, to gain the mastery. These characteristics, which marked Garfield as a great debater, did not, however, make him a great parliamentary leader. A parliamentary leader, as that term is understood wherever free

representative government exists, is necessarily and very strictly the organ of his party. An ardent American defined the instinctive warmth of patriotism when he offered the toast, "Our country, always right; but, right or wrong, our country."

The parliamentary leader who has a body of followers, that will do, and dare, and die for the cause, is one who believes his party always right, but, right or wrong, is for his party. No more important or exacting duty devolved upon him than the selection of the field and the time for contest. He must know not merely how to strike, but where to strike, and when to strike. He often skillfully avoids the strength of his opponent's position, and scatters confusion in his ranks by attacking an exposed point, when really the righteousness of the cause and strength of the logical intrenchment are against him. He conquers often both against the right, and the heavy battalions, as when young Charles Fox, in the days of his Toryism, carried the House of Commons against justice, against immemorial rights, against his own convictions—if, indeed, at that period Fox had convictions—and, in the interests of a corrupt administration, in obedience to a tyrannical sovereign, drove Wilkes from the seat to which the electors of Middlesex had chosen him, and installed Luttrell in defiance not merely of law, but of public decency. For an achievement of that kind Garfield was disqualified—disqualified by the texture of his mind, by the honesty of his heart, by his conscience, and by every instinct and aspiration of his nature. The three most distinguished parliamentary leaders hitherto developed in this country are Mr. Clay, Mr. Douglas, and Thaddeus Stevens. Each was a man of consummate ability, of great earnestness, of intense personality, differing widely each from the others, and yet with a signal trait in common—the power to command. In the give and take of daily discussion;

in the art of controlling and consolidating reluctant and refractory followers; in the skill to overcome all forms of opposition, and to meet with competency and courage the various phases of unlooked-for assault or unsuspected defection, it would be difficult to rank with these a fourth name in all our Congressional history. But of these, Mr. Clay was the greatest. It would, perhaps, be impossible to find in the parliamentary annals of the world, a parallel to Mr. Clay in 1841, when, at 64 years of age, he took the control of the Whig party from the President who had received their suffrages, against the power of Webster in the Cabinet, against the eloquence of Choate in the Senate, against the herculean efforts of Caleb Cushing and Henry A. Wise, in the House. In unshared leadership, in the pride and plentitude of power, he hurled against John Tyler, with deepest scorn, the mass of that conquering column which had swept over the land in 1840, and drove his administration to seek shelter behind the lines of his political foes. Mr. Douglas achieved a victory scarcely less wonderful when, in 1854, against the secret desires of a strong administration, against the wise counsel of the older chiefs, against the conservative instincts and even the moral sense of the country, he forced a reluctant Congress into a repeal of the Missouri Compromise. Mr. Thaddeus Stevens, in his contest from 1865 to 1868, actually advanced his parliamentary leadership until Congress tied the hands of the President, and governed the country by its own will, leaving only perfunctory duties to be discharged by the Executive. With \$200,000,000 of patronage in his hands at the opening of the contest, aided by the active force of Seward in the Cabinet, and the moral power of Chase on the bench, Andrew Johnson could not command the support of one-third in either House against the parliamentary uprising of which Thaddeus Stevens was the animating spirit and the unquestioned leader. From these



ened by his then recent election as Senator from Ohio, kept him in the public eye as a man occupying the very highest range among those entitled to be called statesmen. It was not mere chance that brought him this high honor, "We must," says Mr. Emerson, "reckon success a constitutional trait. If Eric is in robust health, and has slept well, and is at the top of his condition, and thirty years old at his departure from Greenwald, he will steer west, and his ship will reach Newfoundland. But take Eric, and put in a stronger and bolder man, and the ships will sail 600, 1,000, 1,500 miles farther, and reach Labrador and New England. There is no chance in results."

As a candidate, Garfield steadily grew in popular favor. He was met with a storm of detraction, at the very hour of his nomination, and it continued with increasing volume and momentum until the close of his victorious campaign. No might nor greatness in mortality can censure escape, back-wounding calumny the whitest virtue strikes. What King so strong can tie the gall up in the slanderous tongue? Under it all he was calm, and strong, and confident, never lost his self-possession, did no unwise act, spoke no hasty or ill-considered word. Indeed, nothing in his whole life is more remarkable or more creditable than his bearing through those five full months of vituperation—a prolonged agony of trial to a sensitive man, a constant and cruel draft upon the powers of moral endurance. The great mass of these unjust imputations passed unnoticed, and, with the general debris of the campaign, fell into oblivion. But in a few instances the iron entered his soul, and he died with the injury unforgotten, if not unforgiven. One aspect of Garfield's candidacy was unprecedented. Never before in the history of partisan contests in this country had a successful Presidential candidate spoken freely on passing events and current issues. To attempt anything of the kind seemed novel, rash,

and even desperate. The older class of voters recalled the unfortunate Alabama letter, in which Mr. Clay was supposed to have signed his political death warrant. They remembered also the hot-tempered effusion by which Gen. Scott lost a large share of his popularity before his nomination, and the unfortunate speeches which rapidly consumed the remainder. The younger voters had seen Mr. Greeley in a series of vigorous and original addresses preparing the pathway for his own defeat. Unmindful of these warnings, unheeding the advice of friends, Garfield spoke to large crowds as he journeyed to and from New York in August, to a great multitude in that city, to delegations and deputations of every kind that called at Mentor during the summer and autumn. With innumerable critics watchful and eager to catch a phrase that might be turned into odium or ridicule, or a sentence that might be distorted to his own or his party's injury, Garfield did not trip or halt in any one of his seventy speeches. This seems all the more remarkable when it is remembered that he did not write what he said, and yet spoke with such logical consecutiveness of thought, and such admirable decision of phrase, as to defy the accident of misreport and the malignity of misrepresentation.

In the beginning of his Presidential life, Garfield's experience did not yield him pleasure or satisfaction. The duties that engross so large a portion of the President's time were distasteful to him, and were unfavorably contrasted with his legislative work. "I have been dealing all these years with ideas," he impatiently exclaimed one day, "and here I'm dealing only with persons. I have been heretofore treating of the fundamental principles of government, and here I am considering all day whether A or B shall be appointed to this or to that office." He was earnestly seeking some practical way of correcting the evils arising from the distribution of overgrown and unwieldy patron-

age—evils always appreciated and often discussed by him, but whose magnitude had been more deeply impressed upon his mind since his accession to the Presidency. Had he lived, a comprehensive improvement in the mode of appointment, and in the tenure of office, would have been proposed by him, and with the aid of Congress, no doubt, perfected. But, while many of the executive duties were not grateful to him, he was assiduous and conscientious in their discharge. From the very outset, he exhibited administrative talent of a high order. He grasped the helm of office with the hand of a master. In this respect, indeed, he constantly surprised many who were not most intimately associated with him in the government, and especially those who feared he might be lacking in the executive faculty. His disposition of business was orderly and rapid; his power of analysis and his skill in classification enabled him to dispatch a vast mass of detail with singular promptness and ease; his Cabinet meetings were admirably conducted; his clear presentation of official subjects, his well considered suggestions of topics on which discussion was invited, his quick decision when all had been heard, combined to show a thoroughness of mental training as rare as his natural ability, and his facile adaptation to a new and enlarged field of labor.

With perfect comprehension of all the inheritances of the war, with a cool calculation of the obstacles in the way, impelled always by a generous enthusiasm, Garfield conceived that much might be done by his administration toward restoring harmony between the different sections of the Union. He was anxious to go South and speak to the people. As early as April he had ineffectually endeavored to arrange for a trip to Nashville, whither he had been cordially invited, and he was again disappointed a few weeks after to find he could not go to South Carolina to attend the centennial commemoration of the victory of Cowpens;

but for the autumn, he definitely counted on being present at three memorable assemblies in the South—the celebration at Yorktown, the opening of the Cotton Exposition at Atlanta, and the meeting of the Army of the Cumberland at Chattanooga. He was already turning over in his mind his address for each occasion, and the three taken together, he said to a friend, gave him the exact scope and verge he needed. At Yorktown he would have before him the associations of a hundred years that bound the South and the North in the sacred memory of a common danger and a common victory; at Atlanta he would present the material interests and the industrial development which appealed to the thrift and independence of every household, and which should unite the two sections by the instinct of self-interest and self-defence. At Chattanooga he would revive memories of the war only to show that, after all its disasters and all its sufferings, the country was stronger and greater, the Union rendered indissoluble, and the future, through the agony and blood of one generation, made brighter and better for all. Garfield's ambition for the success of his administration was high. With strong caution and conservatism in his nature, he was in no danger of attempting rash experiments, or of resorting to the empiricism of statesmanship; but he believed that renewed and closer attention should be given to questions affecting the material interests and commercial prosperity of 50,000,000 of people. He believed that our continental relations, extensive and undeveloped as they are, involved responsibility, and could be cultivated in profitable friendship, or be abandoned to harmful indifference or lasting enmity. He believed, with equal confidence, that an essential forerunner to a new era of national progress must be a feeling of contentment in every section of the Union, and a general belief that the benefits and burdens of government would be common to all. Himself a conspicuous illustration of

what ability and ambition may do under Republican institutions, he loved his country with a passion of patriotic devotion, and every waking thought was given to her advancement. He was an American in all his aspirations, and he looked to the destiny and influence of the United States with the philosophical composure of Jefferson and the demonstrative confidence of John Adams.

The political events which disturbed the President's serenity for many weeks before that fateful day in July, form an important chapter in his career, and, in his own judgment, involved matters of principle and of right, which are vitally essential to the constitutional administration of the Federal Government. It would be out of place here and now to speak the language of controversy; but the events referred to, however they may continue to be the source of contention with others, have become, so far as Garfield is concerned, as much a matter of history as his heroism at Chickamauga, or his illustrious service in the House. Detail is not needed, full and personal. Antagonism shall not be rekindled by any word uttered to-day. The motives of those opposing him are not to be here adversely interpreted, nor their course harshly characterized; but of the dead President this is to be said, and said because his own speech is forever silenced, and he can be no more heard except through the fidelity and the love of surviving friends. From the beginning to the end of the controversy he so much deplored, the President was never for one moment actuated by motives of gain to himself, or loss to others. Least of all, did he harbor revenge; rarely did he ever show resentment, and malice was not in his nature. He was congenially employed only in the exchange of good offices, and the doing of kindly deeds. There was not an hour, from the beginning of the trouble until the fatal shot entered his body, when the President would not gladly, for the sake of restoring harmony, have retraced any step he had taken,

if such retracing had merely involved consequences personal to himself. The pride of consistency, or any supposed sense of humiliation, that might result from surrendering his position, had not a feather's weight with him. No man was less subject to such influences from within or without; but after most anxious deliberation, and the coolest survey of all circumstances, he solemnly believed that the true prerogatives of the Executive were involved in the issue which had been raised, and that he would be unfaithful to his supreme obligation if he failed to maintain, in all their vigor, the constitutional rights and dignities of the great office. He believed this in all the convictions of conscience, when in sound and vigorous health, and he believed it in his suffering and prostration, in the last conscious thought which his wearied mind bestowed on transitory struggles of life. More than this need not be said; less than this could not be said.

Justice to the dead, the highest obligation that devolves upon the living, demands the declaration that, in all the bearings of the subject, actual or possible, the President was content in his mind, justified in his conscience, immovable in his conclusions.

The religious element in Garfield's character was deep and earnest. In his youth he espoused the faith of the Disciples, a sect of that great Baptist communion, which, in different ecclesiastical establishments, is so numerous and so influential through all parts of the United States; but the broadening tendency of his mind, and his active spirit of inquiry, were early apparent, and carried him beyond the dogmas of sect and the restraints of association. In selecting a college in which to continue his education, he rejected Bethany, though presided over by Alexander Campbell, the greatest preacher of his church. His reasons were characteristic: First, that Bethany leaned too heavily toward slavery; and, second, that, being himself a Disciple, and the son of Dis-

ciple parents, he had little acquaintance with people of other beliefs, and he thought it would make him more liberal, quoting his own words, both in his religious and general views, to go into a new circle, and be under new influences. The liberal tendency which he anticipated as the result of wider culture was fully realized. He was emancipated from mere sectarian belief, and with eager interest pushed his investigation in the direction of modern progressive thought. He followed with quickening steps in the paths of exploration and speculation so fearlessly trodden by Darwin, by Huxley, by Tyndall, and by other living scientists of the radical and advanced type. His own church binding its disciples by no formulated creed, but accepting the Old and New Testament as the word of God, with unbiased liberty of private interpretation, favored if it did not stimulate the spirit of investigation. Its members profess with sincerity, and profess only to be of one mind and one faith with those who followed the Master and who were first called Christians at Antioch. But however high Garfield reasoned of "fixed fate, free will, foreknowledge absolute," he was never separated from the Church of the Disciples in his affections and in his associations. For him it held the Ark of the Covenant; to him was the gate to heaven. The world of religious belief is full of solecisms and contradictions. A philosophic observer declares that men by the thousand will die in defense of a creed whose doctrines they do not comprehend, and whose tenets they habitually violate. It is equally true that men by the thousands will cling to church organizations with instinctive and undying fidelity when their belief in mature years is radically different from that which inspires them as neophytes. But after this range of speculation and this latitude of doubt, Garfield came back always with freshness and delight to simpler instincts of religious faith which, earliest implanted, longest

survive. Not many weeks before his assassination, walking on the banks of the Potomac with a friend, and conversing on these topics of personal religion, concerning which noble natures have an unconquerable reserve, he said that he found the Lord's prayer and the simple petitions learned in infancy infinitely restful to him, not merely in their stated repetition, but in their casual and frequent recall as he went about the daily duties of life. Certain texts of Scripture had a very strong hold on his memory and heart. He heard, while in Edinburgh some years ago, an eminent Scotch preacher who prefaced his sermon with reading the eighth chapter of the Epistle to the Romans, which book had been the subject of careful study with Garfield during all his religious life. He was greatly impressed by the elocution of the preacher, and declared that it had imparted a new and deeper meaning to the majestic utterances of St. Paul. He referred often in after years to that memorable service, and dwelt with exaltation of feeling upon the radiant promise and the assured hope with which the great apostle of the Gentiles was persuaded that "neither death, nor life, nor angels, nor principalities, nor powers, nor things present, nor things to come, nor height, nor depth, nor any other creature shall be able to separate us from the love of God which is in Christ Jesus our Lord." The crowning characteristic of General Garfield's religious opinions, as indeed all his opinions, was his liberality. In all things he had charity. Tolerance was of his nature. He respected in others the qualities he possessed himself; sincerity of conviction and frankness of expression. With him the inquiry was not as to what a man believes, but does he believe it? The lines of his friendship and his confidence encircled men in every creed, and to the end of his life on his ever lengthening list of friends were to be found the names of a pious Catholic priest and of an honest minded and generous free-thinker. On the morning of

Saturday, July 2d, the President was a contented and happy man, not in an ordinary degree, but joyfully, almost boyishly happy. On his way to the railroad station, to which he drove slowly, in conscious enjoyment of the beautiful morning, with an unwonted sense of leisure and a keen anticipation of pleasure, his talk was all in the grateful and gratulatory vein. He felt that, after four months of trial, his administration was strong in his grasp of affairs, strong in popular favor, and destined to grow stronger, that grave difficulties confronting him at his inauguration had been safely passed. That trouble lay behind him and not before him. That he was soon to meet the wife whom he loved, now recovering from an illness which had but lately disquieted, and, at times, almost unnerved him; that he was going to his alma mater to renew the most cherished associations of his young manhood, and to exchange greetings with those whose deepening interest had followed every step of his upward progress, from the day he entered upon his college course until he had attained the loftiest position in the gift of his countrymen. Surely, if happiness can ever come from the honors or triumphs of this world, on that quiet July morning, James A. Garfield may well have been a happy man.

No foreboding of evil haunted him, not the slightest premonition of danger clouded his sky; his terrible fate was upon him in an instant. One moment he stood erect, strong, confident, on the years stretching peacefully out before him. The next he lay wounded, bleeding, helpless, doomed to weary weeks of torture, to silence, and the grave. Great in life, he was surpassingly great in death. For no cause, in the very frenzy of wantonness and wickedness, by the red hand of murder, he was thrust from the full tide of this world's interest, from its hopes, its aspirations, its victories, into the visible presence of death, and he did not quail, not alone for the one short moment in

which, stunned and dazed, he could give up life, hardly aware of its relinquishment, but through days of deadly languor, through weeks of agony, that was not less agony because silently borne. With clear sight and calm courage he looked into his open grave. What blight and ruin met his anguished eyes! Whose lips may tell what brilliant broken plans, what baffled high ambitions, what sundering of strong, warm, manhood friendships, what bitter rending of sweet household ties! Behind him a proud, expectant Nation, a great host of sustaining friends, a cherished and happy mother, wearing the full rich honors of her early toil and tears, the wife of his youth, whose whole life lay in his; the little boys not yet emerged from childhood's day of frolic; the fair young daughter, the sturdy sons just springing into closest companionship, claiming every day and every day rewarding a father's love and care, and in his heart the eager, rejoicing power to meet all demands! Before him, desolation and great darkness, and his soul was not shaken. His countrymen were thrilled with an instant, profound, and universal sympathy. Masterful in his mortal weakness, he became the center of a Nation's love, enshrined in the prayers of a world; but all the love and all the sympathy, could not share with him his suffering. He trod the wine-press alone. With unfaltering front he faced death. With unfailing tenderness he took leave of life. Above the demoniac hiss of the assassin's bullet, he heard the voice of God. With simple resignation he bowed to the divine decree. As the end drew near his early craving for the sea returned. The stately mansion of power had been to him the weary hospital of pain, and he begged to be taken from its prison walls, from its oppressive, stifling air, from its homelessness and its hopelessness. Gently, silently, the love of a great people bore the pale sufferer to the longed-for healing of the sea, to live or to die, as God should will. Within sight of its



heaving billows, within sound of its manifold voices, with wan, fevered face tenderly lifted to the cooling breeze, he looked out wistfully upon the ocean's changing wonders, on its far sails whitening in the morning light, on its restless waves rolling shoreward to break and die beneath the noonday sun, on the red clouds of evening reaching low to the horizon, on the se-

rene and shining pathway of the stars. Let us think that his dying eyes read a mystic meaning, which only the rapt and parting soul may know. Let us believe that, in the silence of the receding world, he heard the great wave breaking on a farther shore, and felt already upon his wasted brow, the breath of the eternal morning.



## JOHN F. MILLER.

**J**OHN F. MILLER, of California, was born in Indiana, in 1831. He attended an academy in South Bend, and then prepared for college, in Chicago; but abandoned the idea of taking a collegiate course, and in 1849 began the study of law. He graduated from the New York State Law School in 1852, and began practicing his profession in the city of South Bend, Indiana. He soon went West, and practiced law for three years in California, and at the expiration of that time he returned and resumed practice in his native State, and in 1860 he had gained such prominence that he was chosen a member of the State Senate. On the breaking out of the war he resigned his seat in the Legislature to enter the service of his country as a soldier. His record in the army was that of a gallant soldier and officer. He entered as Colonel of the Twenty-ninth Indiana Volunteers, and rose to the rank of Brevet Major-General for conspicuous bravery on the field of battle. Soon after entering active service he was placed in command of a brigade, and served under the command of Sherman,

Buell, Rosecrans, and Thomas, at various times. He received severe wounds in the battle of Stone River and Liberty Gap.

He participated in the battle of Nashville, where he commanded the left division composed of eight thousand men. When the war closed, he declined a tempting offer to enter the regular army, and returned to the peace of private life.

He chose California as his home, and settled in San Francisco, of which port he was appointed Collector, and served four years, after which he declined a re-appointment. He was a prominent Republican in the politics of the State, and was a candidate for Presidential Elector in 1872, 1876, and again in 1880. In 1879 he was a member of the State Constitutional Convention, and has labored assiduously for the advancement and welfare of his adopted State. In 1880 he was the successful candidate for United States Senator to succeed Newton Booth. He has shown himself an able legislator, and occupies positions on various important committees, and is chairman of the Committee on the Revision of the Laws of the United States.



JOHN F. MILLER.

ENGRAVED FOR ORATONS AND ORATORY, FAIRBANKS, PALMER & CO., PUBLISHERS.



## CHINESE IMMIGRATION.

*Mr. Miller's Speech, delivered in the United States Senate, Feb. 28, 1882.*

MR. PRESIDENT: This measure is not a surprise to the Senate, nor a new revelation to the country. It has been before Congress more than once, if not in the precise form in which it is now presented, in substance the same, and it has passed the ordeal of analytical debate, and received the affirmative vote of both Houses. Except for the Executive veto it would have been long ago the law of the land. It is again presented, not only under circumstances as imperative in their demands for its enactment, but with every objection to the veto removed, and every argument made against its approval swept away. It is an interesting fact in the history of this measure, that the action that has cleared its way of the impediments which were made the reasons for the veto, was inaugurated and consummated with splendid persistence and energy by the same administration whose Executive interposed the veto against it. Without stopping to inquire into the motive of the Hayes administration in this proceeding, whether its action was in obedience to a conviction that the measure was in itself right and expedient, or to a public sentiment so strong and universal as to demand the utmost vigor in the diplomacy necessary for the removal of all impediments to its progress, it must be apparent that the result of this diplomatic action has been to add a new phase to the question in respect of the adoption of the measure itself.

In order to fully appreciate this fact, it may be proper to indulge in historical reminiscence for a moment. For many years complaints had

been made against the introduction into the United States of the peculiar people who come from China, and the Congress, after careful consideration of the subject, so far appreciated the evil complained of as to pass a bill to interdict it.

The Executive Department had, prior to that action, with diplomatic *finesse*, approached the imperial throne of China, with intent, as was said, to ascertain whether such an interdiction of Coolie importation, or immigration so called, into the United States, would be regarded as a breach of friendly relations with China, and had been informed by the diplomat, to whom the delicate task had been committed, that such interdiction would not be favorably regarded by the Chinese Government. Hence, when Congress, with surprising audacity, passed the bill of interdiction, the Executive, believing in the truth of the information given him, thought it prudent and expedient to veto the bill, but immediately, in pursuance of authority granted by Congress, he appointed three commissioners to negotiate a treaty by which the consent of China should be given to the interdiction proposed by Congress. These commissioners appeared before the Government of China upon this special mission, and presented the request of the Government of the United States, affirmatively, positively, and authoritatively made, and after the usual diplomatic ceremonies, representations, misrepresentations, avowals, and concealments, the treaty was made, the concession granted, and the interdiction agreed upon. This treaty was presented here and

ratified by the Senate with what unanimity Senators know, and which the rules of the Senate forbid me to describe.

The new phase of this question, which we may as well consider in the outset, suggests the spectacle which this nation should present if Congress were to vote this or a similar measure down. A great nation cannot afford inconsistency in action, nor betray a vacillating, staggering, inconstant policy in its intercourse with other nations. No really great people will present themselves before the world through their government as a nation irresolute, fickle, feeble, or petulant; one day eagerly demanding of its neighbor an agreement or concession, which on the next it nervously repudiates or casts aside. Can we make a solemn request of China, through the pomp of an extraordinary embassy, and the ceremony of diplomatic negotiations, and with prudent dispatch exchange ratifications of the treaty granting our request, and within less than half a year after such exchange is made, cast aside the concession, and, with childish irresolution, ignore the whole proceeding? Can we afford to make such a confession of American imbecility to any oriental power? The adoption of this or some such measure becomes necessary, it seems to me, to the intelligent and consistent execution of a policy adopted by this government under the sanction of a treaty with another great nation.

If the Executive department, the Senate, and the House of Representatives, have all understood and appreciated their own action in respect of this measure; if, in the negotiation and ratification of the new treaty with China, the Executive and the Senate did not act without thought, in blind, inconsiderate recklessness—and we know they did not if the Congress of the United States, in the passage of the fifteen passenger bill, had the faintest conception of what it was doing—and we know it had—then the policy of this government in respect of so-

called Chinese immigration has been authoritatively settled.

This proposition is submitted with the greater confidence because the action I have described was in obedience to, and in harmony with, a public sentiment, which seems to have permeated the whole country. For the evidence of the existence of such a sentiment, it is only necessary to produce the declarations upon this subject of the two great historical parties of the country, deliberately made by their national conventions of 1880. One of these (the Democratic convention) declared that there shall be:—

No more Chinese immigration except for travel, education, and foreign commerce, and therein carefully guarded.

The other (the Republican convention) declared that;—

Since the authority to regulate immigration and intercourse between the United States and foreign nations rests with Congress, or with the United States and its treaty-making power, the Republican party, regarding the unrestricted immigration of the Chinese as an evil of great magnitude, invokes the exercise of these powers to restrain and limit the immigration, by the enactment of such just, humane, and reasonable provisions as will produce that result.

These are the declarations of the two great political parties, in whose ranks are enrolled nearly all the voters of the United States; and whoever voted at the last Presidential election, voted for the adoption of the principles and policy expressed by those declarations, whether he voted with the one or the other of the two great parties. Both candidates for the Presidency were pledged to the adoption and execution of the policy of restriction, thus declared by their respective parties, and the candidate who was successful at the polls, in his letter of acceptance, not only gave expression to the sentiment of his party and the country, but with a clearness and conciseness which distinguished all his utterances upon great public questions, gave the reasons for that public sentiment. He said:

The recent movement of the Chinese to our Pacific Coast partakes but little of the qualities of an immigration, either in its purposes or results. It is too much like an importation to be welcomed without restriction; too

much like an invasion to be looked upon without solicitude. We cannot consent to allow any form of servile labor to be introduced among us under the guise of immigration.

In this connection it is proper, also, to consider the probable effect of a failure or refusal of Congress to pass this bill, upon the introduction of Chinese coolies into the United States in the future. An adverse vote upon such a measure, is an invitation to the Chinese to come. It would be interpreted to mean that the government of the United States had reversed its policy, and is now in favor of the unrestricted importation of Chinese; that it looks with favor upon the Chinese invasion now in progress. It is a fact well known that the hostility to the influx of Chinese upon the Pacific coast displayed by the people of California, has operated as a restriction, and has discouraged the importation of Chinese to such a degree that it is probable that there are not a tenth part the number of Chinese in the country there would have been had this determined hostility never been shown. Despite the inhospitality, not to say resistance, of the California people to the Chinese, sometimes, while waiting for the action of the general government, difficult to restrain within the bounds of peaceable assertion, they have poured through the Golden Gate in constantly increased numbers during the past year, the total number of arrivals at San Francisco alone during 1881 being 18,561. Nearly two months have elapsed since the first of January, and there have arrived, as the newspapers show, about four thousand more.

The defeat of this measure now is a shout of welcome across the Pacific Ocean to a myriad host of these strange people to come and occupy the land, and it is a rebuke to the American citizens, who have so long stood guard upon the western shore of this continent, and who, seeing the danger, have with a fortitude and forbearance most admirable, raised and maintained the only barrier against a stealthy,

strategic, but peaceful invasion, as destructive in its results and more potent for evil than an invasion by an army with banners. An adverse vote now, is to commission under the broad seal of the United States, all the speculators in human labor, all the importers of human muscle, all the traffickers in human flesh, to ply their infamous trade without impediment under the protection of the American flag, and empty the teeming, seething slave pens of China upon the soil of California! I forbear further speculation upon the results likely to flow from such a vote, for it presents pictures to the mind which one would not willingly contemplate.

These considerations which I have presented ought to be, it seems to me, decisive of the action of the Senate upon this measure; and I should regard the argument as closed did I not know, that there still remain those who do not consider the question as settled, and who insist upon further inquiry into the reasons for a policy of restriction, as applied to the Chinese. I am not one of those who would place the consideration of consistency or mere appearances above consideration of right or justice; but since no change has taken place in our relations with China, nor in our domestic concerns, which renders a reversal of the action of the government proper or necessary, I insist that, if the measure of restriction was right and good policy when Congress passed the fifteenth passenger bill, and when the late treaty with China was negotiated and ratified, it is right and expedient now.

This measure had its origin in California. It has been pressed with great vigor by the Representatives of the Pacific coast in Congress, for many years. It has not been urged with wild vehement declamation, by thoughtless men, at the behest of an ignorant, unthinking, prejudiced constituency. It has been supported by incontrovertible fact and passionless reasoning, and enforced by the logic of events.

Behind these Representatives was an intelligent, conscientious public sentiment—universal in a constituency, as honest, generous, intelligent, courageous, and humane, as any in the Republic.

It had been said that the advocates of Chinese restriction were to be found only among the vicious, unlettered foreign element of California society. To show the fact, in respect of this contention, the legislature of California, in 1878, provided for a vote of the people upon the question of Chinese immigration (so called), to be had at the general election of 1879. The vote was legally taken, without excitement, and the response was general. When the ballots were counted, there were found to be 883 votes for Chinese immigration, and 154,638 against it. A similar vote was taken in Nevada, and resulted as follows: 183 votes for Chinese immigration and 17,259 votes against it. It has been said that a count of noses is an ineffectual and illusory method of settling great questions, but this vote of these two States settled the contention intended to be settled; and demonstrated that the people, of all others in the United States, who know most of the Chinese evil, and who are most competent to judge of the necessity for restriction, are practically unanimous in the support of this measure.

It is to be supposed that this vote of California was the effect of an hysterical spasm, which had suddenly seized the minds of 154,000 voters, representing the sentiment of 800,000 people. For nearly thirty years, this people had witnessed the effect of coolie importation. For more than a quarter of a century these voters had met face to face, considered, weighed, and discussed the great question upon which they were at last called upon, in the most solemn and deliberate manner, to express an opinion. I do not cite this extraordinary vote as a conclusive argument in favor of Chinese restriction; but I present it as an important fact

suggestive of argument. It may be that the people who have been brought face to face with the Chinese invasion are all wrong, and that those who have seen nothing of it, who have but heard something of it, are more competent (being disinterested) to judge of its possible, probable, and actual effects, than those who have had twenty or thirty years of actual continuous experience and contact with the Chinese colony in America; and it may be that the Chinese question is to be settled upon considerations other than those practical, common sense reasons and principles which form the basis of political science.

It has sometimes happened in dealing with great questions of governmental policy, that sentiment, or a sort of emotional inspiration, has seized the minds of those engaged in the solution of great problems, by which they have been lifted up into the ethereal heights of moral abstraction. I trust, that while we attempt the path of inquiry in this instance, we shall keep our feet firmly upon the earth. This question relates to this planet, and the temporal government of some of its inhabitants; it is of the earth earthly; it involves principles of economic, social, and political science, rather than a question of morals; it is a question of national policy, and should be subjected to philosophical analysis. Moreover, the question is of to-day. The conditions of the world of mankind, at the present moment, are those with which we have to deal. If mankind existed now in one grand co-operative society, in one universal union, under one system of laws, in a vast homogeneous brotherhood, serenely beatified, innocent of all selfish aims and unholy desires, with one visible temporal ruler, whose judgments should be justice, and whose sway should be eternal, then there would be no propriety in this measure.

But the millenium has not yet begun, and man exists now, as he has existed always—in the economy of Providence—in societies called



nations, separated by the peculiarities, if not the antipathies of race. In truth, the history of mankind is, for the most part, descriptive of racial conflicts and the struggles between nations for existence. By a perfectly natural process these nations have evolved distinct civilizations, as diverse in their characteristics as the races of men from which they have sprung. These may be properly grouped into two grand divisions, the civilization of the East and the civilization of the West. These two great and diverse civilizations have finally met on the American shore of the Pacific Ocean.

During the late depression in business affairs, which existed for three or four years in California, while thousands of white men and women were walking the streets, begging and pleading for an opportunity to give their honest labor for any wages, the great steamers made their regular arrivals from China, and discharged at the wharves of San Francisco, their accustomed cargoes of Chinese, who were conveyed through the city to the distributing dens of the Six Companies, and, within three or four days after arrival, every Chinaman was in his place at work, and the white people unemployed still went about the streets. This continued until the white laboring men rose in their desperation and threatened the existence of the Chinese colony when the influx was temporarily checked, but now since business has revived, and the pressure is removed, the Chinese come in vastly increased numbers, the excess of arrivals over departures averaging about one thousand per month at San Francisco alone. The importers of Chinese had no difficulty in securing openings for their cargoes now, and when transportation from California to the Eastern States is cheapened, as it soon will be, they will extend their operations into the Middle and Eastern States, unless prevented by law, for wherever there is a white man or woman at work for

wages, whether at the shoe bench, in the factory, or on the farm, there is an opening for a Chinaman. No matter how low the wages may be, the Chinaman can afford to work for still lower wages, and if the competition is free, he will take the white man's place.

At this point we are met by the query from a certain class of political economists, "What of it? Suppose the Chinese work for lower wages than white men, is it not advantageous to the country to employ them?" The first answer to such questions is, that by this process white men are supplanted by Chinese. It is a substitution of Chinese and their civilization for white men and Anglo-Saxon civilization. This involves considerations higher than mere economic theories. If the Chinese are as desirable as citizens, if they are in all the essential elements of manhood the peers or the superiors to the Caucasian; if they will protect American interests, foster American institutions, and become the patriotic defenders of Republican government; if their civilization does not antagonize ours nor contaminate it; if they are free, independent men, fit for liberty and self-government as European immigrants generally are, then we may begin argument upon the question whether it is better or worse, wise or unwise, to permit white men, American citizens, or men of kindred races to be supplanted and the Chinese to be substituted in their places. Until all this and more can be shown the advocates of Chinese importation or immigration have no base upon which to even begin to build an argument.

The statistics of the manufacture of cigars in San Francisco are still more suggestive. This business was formerly carried on exclusively by white people, many hundreds finding steady and lucrative employment in that trade. I have here the certified statement from the office of the collector of internal revenue at San Francisco, showing the number of white people and Chinese, relatively employed on the first of

November last in the manufacture of cigars.  
The statement is as follows:

Number of white men employed, - . . .	493
Number of white women employed, - . .	170
Total whites, - . . . . .	663
Number of Chinese employed, - . . . .	5,182

The facts of this statement were carefully ascertained by three deputy collectors. The San Francisco Assembly of Trades certify that there are 8,265 Chinese employed in laundries. It is a well-known fact that white women who formerly did this work have been quite driven out of that employment. The same authority certifies that the number of Chinese now employed in the manufacture of clothing in San Francisco, is 7,510, and the number of whites so employed is 1,000. In many industries the Chinese have entirely supplanted the white laborers, and thousands of our white people have quit California and sought immunity from this grinding competition in other and better favored regions.

If you would "secure the blessings of liberty to ourselves and our posterity," there must be some place reserved in which, and upon which, posterity can exist. What will the blessings of liberty be worth to posterity if you give up the country to the Chinese? If China is to be the breeding-ground for peopling this country, what chance of American posterity? We of this age hold this land in trust for our race and kindred. We hold Republican government and free institutions in trust for American posterity. That trust ought not to be betrayed. If the Chinese should invade the Pacific coast with arms in their hands, what a magnificent spectacle of martial resistance would be presented to a

startled world! The mere intimation of an attempt to make conquest of our western shore by force would rouse the nation to a frenzy of enthusiasm in its defense. For years a peaceful, sly, stratagetic conquest has been in progress, and American statesmanship has been almost silent, until the people have demanded action.

The land which is being overrun by the oriental invader is the fairest portion of our heritage. It is the land of the vine and the fig tree; the home of the orange, the olive, and the pomegranate. Its winter is a perpetual spring, and its summer is a golden harvest. There the northern pine peacefully sways against the southern palm; the tender azalea and the hardy rose mingle their sweet perfume, and the tropic vine encircles the sturdy oak. Its valleys are rich and glorious with luscious fruits and waving grain, and its lofty

"Mountains like giants stand,  
To sentinel the enchanted land."

I would see its fertile plains its sequestered vales, its vine-clad hills, its deep blue canons, its furrowed mountain-sides, dotted all over with American homes—the homes of a free, happy people, resonant with the sweet voices of flaxen haired children, and ringing with the joyous laughter of maidens fair—

"Soft as her clime, and sunny as her skies—" like the homes of New England; yet brighter and better far shall be the homes which are to be builded in that wonder-land by the sunset sea, the homes of a race from which shall spring

"The flower of men,  
To serve as model for the mighty world,  
And be the fair beginning of a time."







GEORGE F. HOAR.

ENGRAVED FOR GRAYSON AND GRANTON, FRANKS, PALMER & CO., P. R. 1874.

## GEORGE FRISBIE HOAR.

**G**EORGE FRISBIE HOAR was born at Concord, Massachusetts, on the 29th of August, 1826. He pursued his preparatory studies at Concord Academy, and completed a thorough collegiate course at Harvard College, graduating in 1846. He entered upon the study of law in the Dane Law School, Harvard University, and graduated from that department, and was admitted to practice at the bar in 1849. He settled at Worcester, where he entered upon and followed the practice of his profession with success.

In 1852 he was elected a member of the State House of Representatives, and five years later was a member of the State Senate. In 1868 he was chosen to represent his district in the Forty-first Congress. His services were so acceptable to his constituents that he was continued as their representative in the Forty-second, Forty-third, and Forty-fourth Congresses, and declined a renomination to the Forty-fifth Congress.

During his eight years of service in the House, Mr. Hoar made for himself a national reputation. By his integrity and ability he won the esteem and confidence,

not only of his immediate constituency, but of the better class throughout the whole country. In 1877 he was elected to a seat in the United States Senate, to succeed the Hon. George S. Boutwell.

He has maintained a leading position among the most prominent men in the Senate, and is an industrious and faithful public servant. His labors are not confined to the floor of the Senate, but in the seclusion of the committee room his influence and ability are largely felt. He is Chairman of the Committee on Privileges and Elections, and holds working positions on the following Committees: the Judiciary, Claims, Patents, and the joint committee on the Congressional Library. In 1871, and again in 1877, he was called to preside over the State Republican Conventions of Massachusetts; and was a delegate to the National Republican Conventions of 1876 at Cincinnati, and 1880 in Chicago. He was elected president of the latter convention, and performed the delicate task with honor to himself, and acceptably to the various parties.

In 1876 he was one of the managers on the part of the House of the Belknap im-

peachment trial; and the same year he was a member of the Electoral Commission.

Mr. Hoar took strong grounds against the Anti-Chinese Bill, and made one of the principal speeches against that measure in reply to Senator Miller, of Cali-

fornia. Besides his important duties in Congress, he was one of the Overseers of the Harvard College from 1874 to 1880. At the 1883 session of the Massachusetts Legislature, Mr. Hoar was again elected to the United States Senate for a period of six years, commencing March 4, 1883.



### CHINESE IMMIGRATION.

*Mr. Hoar's Speech, delivered in the United States Senate, Feb. 28th, 1882.*

MR. PRESIDENT: A hundred years ago the American people founded a nation upon the moral law. They overthrew by force the authority of their sovereign, and separated themselves from the country that had planted them, alleging as their justification to mankind certain propositions which they held to be self-evident.

They declared—and that declaration is the one foremost action of human history—that all men equally derive from their Creator the right to the pursuit of happiness; that equality in the right to that pursuit is the fundamental rule of the divine justice in its application to mankind; that its security is the end for which governments are formed, and its destruction good cause why governments should be overthrown. For a hundred years this principle has been held in honor. Under its beneficent operation we have grown almost twenty-fold. Thirteen States have become thirty-eight; three millions have become fifty millions; wealth and comfort and education and art have flourished in still larger proportion. Every twenty years there is added to the valuation of this country wealth enough to buy the whole German Empire, with its buildings and its ships,

and its invested property. This has been the magnet that has drawn immigration hither. The human stream hemmed in by banks invisible but impassable, does not turn towards Mexico, which can feed and clothe a world, or South America which can feed and clothe a hundred worlds, but seeks only that belt of States where it finds this law in operation. The marvels of comfort and happiness it has wrought for us scarcely surpass what it has done for other countries. The immigrant sends back the message to those he has left behind. There is scarcely a nation in Europe west of Russia which has not felt the force of our example, and whose institutions are not more or less slowly approximating to our own.

Every new State as it takes its place in the great family binds this declaration as a frontlet upon its forehead. Twenty-four of the States, including California herself, declare it in the very opening sentence of their constitutions. The insertion of the phrase, "the pursuit of happiness," in the enumeration of the natural rights, for securing which government is ordained and the denial of which constitutes just cause for its overthrow, was intended as an explicit affirmation that the right of every

human being who obeys the equal laws to go everywhere on the surface of the earth that his welfare may require is beyond the rightful control of government. It is a birthright derived immediately from Him who "made of one blood all nations of men for to dwell on all the face of the earth, and hath determined the times before appointed and the bounds of their habitation." He made, so our fathers held, of one blood all the nations of men. He gave them the whole face of the earth wherein to dwell. He reserved for himself by his agents, heat, and cold, and climate, and soil, and water, and land, to determine the bounds of their habitation. It has long been the fashion in some quarters, when honor, justice, good faith, human rights are appealed to, and especially when the truths declared in the opening sentences of the Declaration of Independence are invoked as guides in legislation, to stigmatize those who make the appeal as sentimentalists, incapable of dealing with practical affairs. It would be easy to demonstrate the falsehood of this notion. The men who erected the structure of this government were good, practical builders, and knew well the quality of the corner-stone when they laid it. When they put forth for the consideration of their contemporaries and of posterity the declaration, which they thought a decent respect for the opinions of mankind required of them, they weighed carefully the fundamental proposition on which their immortal argument rested. Lord Chat-ham's famous sentence will bear repeating again:

When your Lordships look at the papers transmitted to us from America, when you consider their decency, firmness and wisdom, you cannot but respect their cause, and wish to make it your own. For myself I must declare and avow that in all my reading and observation—and it has been my favorite study, I have read Thucydides, and have studied and admired the master states of the world—that for solidity of reasoning, force of sagacity, and wisdom of conclusion, under such a complication of difficult circumstances, no nation or body of men can stand in preference to the general Congress assembled at Philadelphia.

The doctrine that the pursuit of happiness is an inalienable right, with which men are en-

dowed by their Creator, asserted by as religious a people as ever lived, at the most religious period of their history, propounded by as wise, practical, and far-sighted statesmen as ever lived, as the vindication for the most momentous public act of their generation, was intended to commit the American people, in the most solemn manner, to the assertion that the right to change their homes at their pleasure is a natural right of all men. The doctrine that free institutions are a monopoly of the favored races, the doctrine that oppressed people may sever their old allegiance at will, but have no right to find a new one, that the bird may fly but never light, is of quite recent origin.

California, herself owing her place in our Union to the first victory of freedom in the great contest with American slavery, is pledged to repudiate this modern heresy, not only by her baptismal vows, but by her share in the enactment of the statute of 1868. Her Constitution read thus, until she took Dennis Kearney for her law giver:

We, the people of California, grateful to Almighty God for our freedom, in order to secure its blessings, do establish this constitution:

DECLARATION OF RIGHTS.

"SECTION 1. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and defending property, and pursuing and obtaining safety and happiness.

"SECTION 17. Foreigners who are, or who may hereafter become, *bona fide* residents of this State, shall enjoy the same rights in respect to the possession, enjoyment, and inheritance of property, as native born citizens.

In the Revised Statutes, section 1999, Congress, in the most solemn manner, declares that the right of expatriation is beyond the lawful control of government:

SECTION 1999. *Whereas*, The right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and

"*Whereas*, In the recognition of this principle this government has freely received emigrants from all nations, and invested them with the rights of citizenship.

This is a re-enactment, in part, of this statute

of 1868, of which Mr. Conness, then a California Senator, of Irish birth, was, if not the author, the chief advocate.

The California Senator called up the bill day after day. The bill originally provided that the President might order the arrest and, detention in custody, of "any subject or citizen of such foreign government" as should arrest and detain any naturalized citizen of the United States under the claim that he still remained subject to his allegiance to his native sovereign. This gave rise to debate.

But there was no controversy about the part of the bill which I have read. The preamble is as follows:

*Whereas*, The right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness, for the protection of which the government of the United States was established; and whereas in the recognition of this principle this government has freely received emigrants from all nations and vested them with the rights of citizenship, etc.

Mr. Howard declares that—

The absolute right of expatriation is the great leading American principle.

Mr. Morton says:

That a man's right to withdraw from his native country and make his home in another, and thus cut himself off from all connection with his native country, is a part of his natural liberty, and without that his liberty is defective. We claim that the right to liberty is a natural, inherent, God-given right, and his liberty is imperfect, unless it carries with it the right of expatriation.

The bill containing the preamble above recited passed the Senate by a vote of 39 to 5.

This doctrine, planted forever in the fundamental law of the Republic, by the very act which gave it birth, imbedded in the constitution of nearly every State, was solemnly reaffirmed in the most important act of our diplomacy, since America assumed her place as the principal power of the Pacific. The treaty of 1868, known as the Burlingame treaty, is the first occasion when she appears in the diplomacy of the oriental world, in the character which belongs to her. Before that time the American had been known in the East only as a feeble and inferior Englishman. "Ameri-

can No. 2 Englishman," was the Chinese proverb. It was fitting that in that treaty we should affirm our traditional faith, and incorporate in the first great act which was to give law to the nations of the Pacific, this great unchanging truth. The flag bore the same legend, whether seen from the east or from the west. The Burlingame treaty was wholly our act. The commissioners who negotiated it were Americans on both sides. We have lately made one which seems to have had Chinese on both sides. The fifth article of the Burlingame treaty is as follows:

The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from the one country to the other for purposes of curiosity, of trade, or as permanent residents.

An influential English newspaper has lately, with a taunt, put the question what the United States have ever done for mankind, and has intimated that we ought to interfere by diplomacy, and, if need be, by force, to protect the menaced independence of weak States in the Eastern hemisphere. This criticism of the policy impressed upon us by the farewell counsel of Washington, is not new. We have been accustomed to answer it by the claim that our example of adherence to the great doctrine of human equality affirmed in our Declaration of Independence, has been of more value to mankind, a thousand fold, than any service we could render by entangling ourselves with the diplomacy, or engaging in the armed conflicts of the Old World. We have pointed to the fact that we have established our government upon the principle of equality of human rights, that we have been governed by that principle in all our public conduct. Human rights—not policies to be altered or modified by existing governments at their discretion, according to their own conceptions of their interest or safety—but human rights, having their origin in the moral law, beyond the reach of any government, or any alli-



ance, holy or unholy, of governments. We have been wont to affirm that there are some things that government had no right whatever to do, and that the undertaking of them, by any government, was, of itself, good cause for its overthrow. We have especially claimed that the assertion of this doctrine, in behalf of that largest proportion of mankind, whose destiny compels them to labor for their support, was our conspicuous distinction and crowning glory.

Mr. Webster, in his oration of June 17, 1843, at the completion of Bunker Hill monument, after stating as one of the four distinguishing elements of the American system of government, "equality of rights," proceeds:

Few topics are more inviting or more fit for philosophical discussion than the effect on the happiness of mankind of institutions founded on these principles, or, in other words, the influence of the New World upon the Old.

After mentioning some of the natural productions which America has given to mankind in partial repayment of her debt to Europe for science and art, laws, literature and manners, he proceeds:

But America exercises influences of a much higher, because they are of a moral and political character.

America has furnished to Europe proof of the fact that popular institutions, founded on equality and capable of maintaining governments, are able to secure the rights of person, property and reputation.

America has proved that it is practicable to elevate the mass of mankind—that portion which in Europe is called the laboring or lower class—to raise them to self-respect, to make them competent to act a part in the great right and great duty of self-government. She holds out an example a thousand times more encouraging than ever was presented before to those nine-tenths of the human race who are born without hereditary fortune or hereditary rank.

Nothing is more in conflict with the genius of American institutions than legal distinctions between individuals based upon race or upon occupation. The framers of our Constitution believed in the safety and wisdom of adherence to abstract principles. They meant that their laws should make no distinction between men except such as were required by personal conduct and character. The prejudices of race, the last of human delusions to be overcome, ha-

been found until lately in our constitutions and statutes, and has left its hideous and ineradicable stains on our history in crimes committed by every generation. The negro, the Irishman, and the Indian, have in turn been its victims here, as the Jew, and the Greek, and the Hindoo, in Europe and Asia. But it is reserved for us at the present day, for the first time, to put into the public law of the world, and into the national legislation of the foremost of Republican nations a distinction inflicting upon a large class of men a degradation by reason of their race, and by reason of their occupation.

The bill which passed Congress two years ago and was vetoed by President Hayes, the treaty of 1881, and the bill now before the Senate, have the same origin, and are parts of the same measure. Two years ago it was proposed to exclude Chinese laborers from our borders, in express disregard of our solemn treaty obligations. This measure was arrested by President Hayes. The treaty of 1881 extorted from unwilling China her consent that we might regulate, limit or suspend the coming of Chinese laborers into this country—a consent of which it is proposed by this bill to take advantage. This is entitled, "A bill to enforce treaty stipulations with China."

It seems necessary in discussing the statute briefly to review the history of the treaty. First let me say that the title of this bill is deceptive. There is no stipulation of the treaty which this bill enforces. The bill, where it is not inconsistent with the compact, only avails itself of a privilege which that concedes. China only relaxed the Burlingame treaty so far as to permit us to "regulate, limit, or suspend, the coming, or residence," of Chinese laborers, "but not absolutely to prohibit it." The treaty expressly declares "such limitation or suspension shall be reasonable." But here is proposed a statute which, for twenty years under the severest penalties, absolutely inhibits the coming of Chinese laborers to this country. The

treaty pledges us not absolutely to prohibit it. The bill is intended absolutely to prohibit it.

The second article of the treaty is this :

Chinese subjects, whether proceeding to the United States as traders, students, or merchants, or from curiosity, together with their body and household servants, and Chinese laborers, who are now in the United States, shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nations.

Yet it is difficult to believe that the complex and cumbrous passport system provided in the last twelve sections of the bill was not intended as an evasion of this agreement. Upon what other nation, favored or not, is such a burden imposed ? This is the execution of a promise that they may come and go "of their own free will."

In the beginning of the negotiations the Chinese plenipotentiaries informed those of the United States that "Last year the foreign office consented to enter upon negotiations with Mr. Seward to prohibit the four classes of coolie laborers, criminals, prostitutes, and diseased persons from going thither" and that "they were now ready to discuss further the proposition of Mr. Seward, with the hope that an equitable solution may be reached." Our commissioners replied :

We feel it best to inform your excellency that these propositions in nowise represent the wish or purpose of the United States government, and that the appointment of a new minister and our presence here with full powers to negotiate ought to be to you sufficient evidence of what value you should attach to such representation. We are entirely unaware of any authority or approval given by the government of the United States to the proposal submitted, on his own responsibility, by Mr. Seward to the Chinese government.

At the conference of Wednesday, October 13, the commissioners on both sides in substance agree that the Burlingame Treaty permits unrestricted immigration of Chinese to the United States, and that the purpose of the present treaty is to authorize the United States to limit that immigration. Our representative says ;

The Burlingame Treaty gives to the subjects of China the right of unrestricted immigration into the United

States; at least the government of the United States have hitherto acquiesced in that construction of the treaty.

The Chinese Commissioner replied :

The proposition of Mr. Seward amounted to a modification of the Burlingame Treaty; for under that treaty all Chinese, good or bad, could at their own will go to the United States, and the government of neither country interfere.

Here is an emphatic affirmance on one side and a substantial concession by the other that the Burlingame Treaty prohibits the United States from protecting itself against the entrance of these four classes. Yet the new treaty makes no provision for such exclusion in future except as to laborers.

It is clear from this brief narrative that there is not even a decent covering drawn over the transaction. Our commissioners declare that the United States have hitherto acquiesced in an interpretation of the Burlingame Treaty which deprives this government of the right to protect itself against the introduction of the four enumerated dangerous classes, and explicitly disavow the purpose of obtaining that right for the future. The commissioners say in the clearest manner :

We do not stand on an assertion of the right of self-protection against dangerous characters. We are here to obtain an assertion of the right to distinguish between laborers and other classes, and we will be content with nothing else.

The treaty of 1881 not only does not exclude or reserve to the United States the right to exclude prostitutes, criminals, and diseased persons, but it expressly declares that their coming shall be without limit or restraint, unless they are included in the class of laborers. The instrument does three things only. For the first time, as far as I know, it places in the public law of nations a denial of the right declared by the treaty of 1868 to be "the inalienable right of man to change his home and allegiance." It establishes a distinction between races in respect to the right to pursue their happiness in lawful ways anywhere on the face of the earth, affirming a difference degrading to the Chinese. It affirms, also, a distinction between laborers

and all other persons, degrading to labor. This it has done at the persistent demand of the American Republic, overcoming the reluctance of the Asiatic despot.

The purpose of the framers of this treaty, to strike their blow at labor, without regard to character, intelligence, or skill, is fully disclosed in an interview with Mr. Swift, one of the commissioners, reported by a San Francisco paper, and never, so far as I have heard, disavowed. This is from the account of the interview as published at the time :

Mr. John F. Swift, one of the commissioners to negotiate the Chinese treaties, was recently interviewed by a "San Francisco Chronicle" reporter. Mr. Swift says, in answer to one of the questions of the reporter:

"What are laborers?"

"The objection has been raised," said the reporter, that the word 'laborer' in the treaty will admit of dangerous latitude."

"There is no such possibility," replied Mr. Swift, "and for three reasons: First, the construction placed by Congress upon the word will be decisive. Second, the Chinese Commissioners conceded the point, by leaving out the word 'mechanic,' upon which they had laid much stress; Third, there are only two kinds of laborers, skilled and unskilled, and the word laborer covers both. To call a hod-carrier a laborer, and not to call a weaver one, is to use the word in its narrowest sense. The likelihood is that Congress will stretch it to include even physicians, and those who labor with their brains. Why? The Chinese Commissioners raised the issue, and suggested that the term would include even consuls."

"The treaty will be confirmed."

"Then you think, Mr. Swift," said the reporter, finally, "that the treaty will be confirmed by the Senate."

"I have no doubt of it," he answered, "and that not by any party vote, for I am of opinion that both Republican and Democratic Senators will be of accord as to the treaty. What they will do afterward, as to executing laws to enforce it, I have no idea."

Here is a declaration made by a compact between the two greatest nations of the Pacific, and now to be re-enforced by a solemn act of legislation, which places in the public law of the world, and in the jurisprudence of America the principle that it is fit that there should hereafter be a distinction in the treatment of men, by governments, and in the recognition of their rights to the pursuit of happiness, by a peaceful change of their homes, based, not on conduct, not on character, but upon race, and upon occupation. You may justly deny to the Chinese

what you may not justly deny to the Irishman. You may deny to the laborer, what you may not deny to the scholar or to the idler. And this declaration is extorted from unwilling China, by the demand of America. With paupers, lazzaroni, harlots, persons afflicted with pestilential diseases, laborers are henceforth to be classed in the enumerations of American public law.

Certainly, Mr. President, this is an interesting and important transaction. It is impossible to overstate or to calculate the consequences which are likely to spring from a declaration made by the United States limiting human rights, especially a declaration in a treaty which is to become the international law governing these two great nations. As my friend from California (Mr. Miller) well said, it is of the earth, earthy. The United States within twenty years has taken its place as the chief power on the Pacific. Whatever rivalry, or whatever superiority we may be compelled to submit to elsewhere, our advantage of position, unless the inferiority be in ourselves, must give us superiority there. Are we to hold out two faces to world, one to Europe, and another to Asia? Or are we to admit that the doctrine we have proclaimed so constantly for the first century of our history is a mere empty phrase or a lie?

For myself and for the State of Massachusetts, so far as it is my privilege to represent her, I refuse consent to this legislation. I will not consent to a denial by the United States of the right of every man who desires to improve his condition by honest labor—his labor being no man's property but his own—to go anywhere on the face of the earth that he pleases.

I have said that this bill seems to me to violate the provisions of the treaty it professes to execute. It does more. It confers on every collector of customs the authority to seize and forcibly remove from the country, without trial or legal process, every person of Chinese race whom he shall determine to be in the United

States in violation of its provisions. The alien laws of June 25 and July 7, 1798, passed when war was deemed imminent, at a time of great and dangerous excitement, conferred upon the President of the United States, for a period limited to two years, the power to order out of the country aliens whose presence he might deem dangerous to its peace, and gave him the further authority in case of actual war to cause the removal of resident aliens, natives or citizens of the hostile nation.

These acts, passed against the protest of Hamilton, went far to cause the downfall of an administration. The alien law was overthrown because it intrusted the highest officer of the government, the great constitutional lawyer and lover of liberty, John Adams, with the power, for two years, to order the removal of a single person whose presence, for good cause, he deemed dangerous to the public peace. But here a local officer of the smallest customs district may, yes, must, forcibly seize and expel, without trial or judicial hearing, the Chinese whom he finds within his precinct, however excellent his character, however advantageous his presence. We have experienced evils which required legislation to regulate immigration from other countries. But we have hitherto directed our remedy to the complaint.

There may be much that is wrong connected with the coming of these people from China, especially the importation of coolies. But let us in our statute use language which fitly describes the evil and would prevent, not language which strikes at the prerogative with which government has no right to interfere. It is not importation, but immigration; it is not importation, but the free coming; it is not the slave, or the apprentice, or the prostitute, or the leper, or the thief, but the laborer at whom this legislation strikes its blow.

What has happened within thirteen years that the great Republic should strike its flag?

What change has come over us that we should eat the bravest and the truest words we ever spoke? From 1858 to 1880 there was added to the population of the country 42,000 Chinese.

By the census of 1880 the number of Chinese in this country was 105,000—one five-hundredth part of the whole population. The Chinese are the most easily governed race in the world. Yet every Chinaman in America has 499 Americans to control him.

The immigration, also, was constantly decreasing for the last half of the decade. The Bureau of Statistics gives the numbers as follows. (For the first eight years the figures are those of the entire Asiatic immigration:)

The number of immigrants from Asia, as reported by the United States Bureau of Statistics is as follows, namely:

For the year ending June 30—	
1871.....	7,236
1872.....	7,825
1873.....	20,326
1874.....	13,857
1875.....	16,498
1876.....	22,943
1877.....	10,640
1878.....	9,014
Total.....	108,339
And from China for the year ending June 30—	
1879.....	9,604
1880.....	5,802
Total.....	15,406
Grand Total.....	123,745

Very Respectfully,

C. S. MIXTER,

Chief of Division.

See, also, Mr. President, how this class of immigrants, diminishing in itself, diminishes still more in its proportion to the rapidly increasing numbers who come from other lands. Against 22,943 Asiatic immigrants in 1876 there were but 5,802 in 1880. In 1878 there were 9,014 from Asia, in a total of 153,207, or one in seventeen of the entire immigration; and this includes all persons who entered the port of San Francisco to go to any South American country. In 1879 there were 9,604 from China in a total of 250,565, or one in twenty-six. In 1880 there were 5,802 from China in a total im-

migration of 593,359, or one in one hundred and two. The whole Chinese population then, when the census of 1880 was taken, was but one in 500 of our people. The whole Chinese immigration was but one in 102 of the total immigration; while the total annual immigration quadrupled from 1878 to 1880, the Chinese was in 1880 little more than one-half what it was in 1878, and one-fourth what it was in 1876.

The number of immigrants of all nations was 720,045 in 1881. Of these 20,711 were Chinese. There is no record in the Bureau of Statistics of the number who departed within the year. But a very high anti-Chinese authority places it above 10,000. Perhaps the expectation that the hostile legislation under the treaty would not affect persons who entered before it took effect stimulated somewhat their coming. But the addition of the Chinese population was less than one seventy-second of the whole immigration. All the Chinese in the country do not exceed the population of its sixteenth city. All the Chinese in California hardly surpass the number which is easily governed in Shanghai by a police of one hundred men. There are as many pure-blooded Gypsies wandering about the country as there are Chinese in California. What an insult to American intelligence to ask leave of China to keep out her people, because this little handful of almond-eyed Asiatics threaten to destroy our boasted civilization. We go boasting of our democracy, and our superiority and our strength. The flag bears the stars of hope to all nations. A hundred thousand Chinese land in California and everything is changed. God has not made of one blood all the nations any longer. The self-evident truth becomes a self-evident lie. The golden rule does not apply to the natives of the continent where it was first uttered. The United States surrender to China, the Republic to the despot, America to Asia, Jesus to Joss.

The advocates of this legislation appeal to a two-fold motive for its support.

First. They invoke the old race prejudice which has so often played its hateful and bloody part in history.

Second. They say that the Chinese laborer works cheap, lives cheap, and so injures the American laborer with whom he competes.

The old race prejudice ever fruitful of crime and of folly, has not been confined to monarchies, nor to the dark ages. Our own Republic and our own generation have yielded to this delusion, and have paid the terribly penalty. I do not mean to go over the ground which Mr. Sumner, with his accustomed industry and learning, so thoroughly traversed in his lecture upon caste. But I wish to plant myself upon the greatest authority in modern science, himself perhaps the most perfect example of the greatness of the capacity of the human intellect under the most favorable condition. Listen to Alexander von Humboldt, as quoted by Mr. Sumner:

While we maintain the unity of the human species, we at the same time repel the depressing assumption of superior and inferior races of men. There are nations more susceptible of cultivation, more highly civilized, more ennobled by mental cultivation, than others, but none in themselves nobler than others."—*Alexander von Humboldt, quoted in Sumner's Works, volume 13, page 157.*

What argument can be urged against the Chinese which was not heard against the negro within living memory? The Visionary of the East, as he was called, was taunted with meddling with social arrangements of which he had no experience, and standing at a distance to watch evils from which he was safe. The negroes were savages, heathens, wild beasts. The master and the owner could judge much better how to deal with them than these sickly philanthropists. I do not need to go to the holders of slaves for examples of this prejudice. The Attorney General of Massachusetts, in Faneuil Hall, compared the negroes to caged wild beasts. He charged Dr. Channing and his associates with the purpose of letting them loose to cut their master's throats, when they

demanding free speech for the abolitionists. The great political parties vied with each other in pandering to this prejudice. How completely has the experience of a single generation vindicated the justice of the Creator and the truth of the immortal Declaration. An eminent citizen of my own State has recently published an account of an interview with the grandsons of John C. Calhoun.

In the course of a conversation upon the events preceding the war, with two grandsons of John C. Calhoun, the writer was somewhat startled by a remark substantially to this effect:

"If my grandfather and his associates had known as much about the negro as I know, and could have had the same faith in his capacity for progress which I have attained from my own experience, there would have been neither slavery or war."

"Do you mean to tell me," I asked, "that your grandfather feared liberty for the black, however compassed?" "Of course I mean that," said he, "what other justification could there have been? He and his associates believed that the two races could not exist together upon the same soil except in the relation of masters and slaves." — *Edward Atkinson, in Scribner's for February, 1882.*

Who now so bold, as to deny to the colored race fitness for citizenship? Twenty years have not passed by since the children of the African savage were emancipated from slavery. In that brief space they have vindicated their title to the highest privileges, and their fitness for the highest duties of citizenship. These despised savages have been in the House and in the Senate. I have served with them for twelve years in both branches. Can you find an equal number, chosen on any principle of selection, whose conduct has been marked by more uniform good sense and propriety? I have seen most accomplished debaters unhorsed with as much dexterity as courtesy by one of this despised race. Coming to his place in the community, he has shown no memory of his centuries of wrong. Revenge and hate, those fires of hell, can find no fuel in the negro's breast. When Massachusetts desired to provide for a fitting eulogy to her great Senator, she summoned to her service two of the most famous orators in the country. It is no injustice to those accomplished gentlemen, to declare that

their masterpieces did not surpass the address delivered in Faneuil Hall, on the same theme, by Robert B. Elliott, of South Carolina, a full-blooded African. One of this people has but lately left the Senate. We have all of us seen him here. I have seen him sitting in the chair where you now preside. In courtesy, modesty, dignity, wisdom, tact, in what other needed quality did he fall below the character of an American Senator?

There have been few scenes to me more impressive than when, in a single sentence, he uttered the protest of his own people against this legislation. Mr. Bruce said:

MR. PRESIDENT, I desire to submit but a single remark. Representing as I do a people, who, but a few years ago, were considered essentially disqualified from enjoying the privileges and immunities of American citizenship, and who have since been so successfully introduced into the body politic, and having large confidence in the strength and assimilative power of our institutions, I shall vote against the pending bill.

It is scarcely forty years since the Irishman, who has been such a source of wealth and strength to America, began his exodus across the sea. There are men in this body, whose heads are not yet gray, who can remember how the arguments now used against the Chinese filled the American mind with alarm when used against the Irishman. He comes, said the honest bigotry of that day, only to get the means of living, and then to return; he will drive the American to starvation by the competition of his cheap labor; he lives in squalor and filth; he wants only a few potatoes for food; he is blindly attached to the Popish religion; he owes allegiance to a foreign potentate; he is incapable of intelligent citizenship.

Let me read a passage from Carlyle's "Chartism," first published in 1839:

Crowds of miserable Irish darken all our towns. The wild Milesian features, looking false ingenuity, restlessness, unreason, misery, and mockery salute you on all highways and byways. The English coachman, as he whirls past, lashes the Milesian with his whip, curses him with his tongue.

I do not know whether that happens in California—

The Milesian is holding out his hat to beg. He is the sorest evil this country has to strive with. In his rags and laughing savagely, he is there to undertake all work that can be done by mere strength of hand and back, for wages that will purchase him potatoes. He needs only salt for condiment; he lodges to his mind in any pig-hutch or dog-hutch, roosts in outhouses; and wears a suit of tatters, the getting off and on of which is said to be a difficult operation, transacted only on festivals, and the high-tides of the calendar. The time has come when the Irish population must either be improved a little, or else exterminated.

DeQuincy points out—

The hideous extent to which Irish intruders upon Scotland had taken the bread out of her own children's mouths.

Even the humane and liberal John Stuart Mill says:

If there were no other escape from that fatal immigration of the Irish—which has done and is doing so much to degrade the condition of our agricultural, and some classes of our town population—I should see no injustice and the greatest possible expediency in checking that destructive inroad by prohibitive laws.

In the early edition of his Political Economy, Mr. Brown, the learned and able professor at Harvard, expresses the same fear for America. He says the annual addition to our population of 400,000 foreigners, of whom one-fourth are Irish, is likely to effect a general and great depreciation in the price of labor:

Throw down the little that is left of our protective system.

He proceeds:

And let the emigration from Great Britain and Ireland to our shores increase to 500,000 annually, and within the life-time of the present generation, the laborers' hire in our Atlantic States will be as low as it is in England. This we should regard as the greatest calamity which the folly of men or the wrath of Heaven could bring upon the land.

These are but temperate expressions of opinions which drove less intelligent persons to frenzy and crime. The streets of Baltimore and of New Orleans ran with Irish blood. A great party was founded and swept some States, on a platform of opposition to foreigners.

I suppose no person now would like to repeat the arguments which were addressed to the Know-Nothing party in 1855. The Irishman has contributed by his labor to cover our land with railroads, which, in their turn, create cities, give value to land, and open new oppor-

tunities for labor. His sons and daughters are found in large numbers in our factories. He is acquiring land. He is a large depositor in our savings-banks. He rendered indispensable service in war. More and more every year he ceases to be the dupe of demagogues, and is learning the higher duties of citizenship. Meantime the wages of the American workman are higher, and not lower, for his presence. While he has bettered his own condition he has raised to a higher grade of social life and wealth the American laborer, whose place he has taken.

We have another race problem still unsettled in this country. The history of Indian wars, of broken treaties, of \$1,000,000,000 lavished in ninety years on a people of 250,000 in number, illustrates the folly of dealing with savages by the methods of savages. Let me cite a single witness to the result of the method prescribed by the author of Christianity.

Hear the last thanksgiving proclamation of D. W. Bushyhead, the present principal chief of the Cherokee Nation:

Last year the census of the population and possessions of the Cherokee Nation was first taken within their history. We have now counted our treasures and know for what and for how much we should feel grateful as a family of people having and occupying one home in common. From this authentic source we find our people blessed with 102 primary schools for a rapidly increasing population of 20,300 citizens; two high schools, male and female; an orphan asylum, an asylum for the unfortunate—insane, blind, and helpless; forty-five churches and as many ministers of the Gospel; 150 native teachers by profession; a written constitution and code of laws; a government consisting of executive, legislative and judicial branches, well understood and administered; a people peaceful and progressive, and, in all material regards more than self-supporting; and having but five fishermen and fifteen hunters, by occupation left among them, as the last vestige of a savage state from which we have been rescued within the memory of men yet living, by the goodness of an overruling Providence.

Such is the situation of the Cherokee Nation to-day, in a fair and ample country secured to them by a treaty and by patent, and of which the honors and honesty of their great earthly protector, the United States government, is pledged to guard their possessions.

Such are the blessings for which our thanks are continually due, among which blessings the first and last of all is saving knowledge whence they come, and a sense of obligation which restrains pride.

Therefore I, D. W. Bushyhead, principal chief of the

Cherokee Nation, do hereby, in pursuance of an ancient Christian custom, and the recommendation of the President of the United States, appoint Thursday, November 24, A. D., 1881, as a day of public thanksgiving throughout this nation, and call upon the Cherokee people to devote the time designated to the giving of expressions and evidences of their thankfulness to the Supreme Being for His kindness and love, in such ways and by such observances as shall become a Christian, orderly, and conscientious people. Let us thank Him for all His dispensations, as gifts of His goodness for our good, never forgetting that blessings are such indeed, only when used in the cause of the Great Giver, which is the happiness of all alike; and that the results of our shortcomings are but benevolent cautions against evil—no less blessings, if we so regard them, than the happy consequences of virtuous life.

There is another most remarkable example of this prejudice of race, which has happily almost died out here, which has come down from the dark ages, and which survives, with unabated ferocity, in Eastern Europe. I mean the hatred of the Jew. The persecution of the Hebrew has never, so far as I know, taken the form of an affront to labor. In every other particular, the reproaches which, for ten centuries, have been leveled at him, are reproduced to do service against the Chinese. The Hebrew, so it was said, was not a Christian. He did not affiliate with, nor assimilate into the nations where he dwelt. He was an unclean thing, a dog, to whom the crime of the crucifixion of his Savior was never to be forgiven. The Chinese quarter of San Francisco had its type in every city of Europe. If the Jew ventured from his hiding-place, he was stoned. His wealth made him the prey of the rapacity of the noble, and his poverty and weakness the victim of the rabble. Yet how has this Oriental conquered Christendom, by the sublimity of his patience! The great poet of New England, who sits by every American fireside, a beloved and perpetual guest, in that masterpiece of his art, the "Jewish cemetery at Newport," has described the degradation and the triumph of these persecuted children of God.

How came they here? What burst of Christian hate,  
What persecution, merciless, and blind,  
Drove o'er the sea—that desert desolate—  
These Ishmaels and Hagars of mankind?

They lived in narrow streets and lanes obscure,  
Ghetto and Judenstrass, in mirk and mire;  
Taught in the school of patience to endure  
The life of anguish and the death of fire.

Anathema maranatha! was the cry  
That rang from town to town, from street to street;  
At every gate the accursed Mordecai  
Was mocked and jeered and spurned by Christian  
feet.  
Pride and humiliation, hand in hand,  
Walked with them through the world where'er they  
went;  
Trampled and beaten were they as the sand,  
And yet unshaken as the continent.

Lord Beaconsfield, that great Jew who held  
England in the hollow of his hand, and who  
played on her aristocracy as on an organ,  
who made himself the master of an alien Na-  
tion, its ruler, its oracle, and through it, and  
despite of it, for a time the master of Europe,  
says:

Forty years ago—not a longer period than the children of Israel were wandering in the desert—the two most dishonored races in Europe were the Attic and the Hebrews. The world has probably by this discovered that it is impossible to destroy the Jews. The attempt to extirpate them has been made under the most favorable auspices and on the largest scale; the most considerable means that man could command have been pertinaciously applied to this object for the longest period of recorded time. Egyptian Pharaohs, Assyrian Kings, Roman Emperors, Scandinavian Crusaders, Gothic Princes, and Holy Inquisitors, have alike devoted their energies to the fulfillment of this common purpose. Expatriation, exile, captivity, confiscation, torture on the most ingenious, and massacre on the most extensive scale, a curious system of degrading customs, and debasing laws, which would have broken the heart of any other people, have been tried and in vain.

Lord Beaconsfield admits that the Jews contribute more than their proportion to the aggregate of the vile; that the lowest class of Jews are obdurate, malignant, odious, and revolting. And yet this race of dogs, as it has been often termed in scorn, furnishes Europe to-day, its masters in finance, and oratory, and statesmanship, and art, and music. Rachel, Mozart, Mendelssohn, Disraeli, Rothschild, Benjamin, Heine, are but samples of the intellectual power of a race which, to-day, controls the finance and the press of Europe.



I do not controvert the evidence which is relied upon to show that there are great abuses, great dangers, great offenses, which have grown out of the coming of this people. Much of the evil, I believe, might be cured by State and municipal authority. Congress may rightfully be called upon to go to the limit of the just exercise of the powers of government, in rendering its aid.

We should have capable and vigilant consular officers in the Asiatic ports from which these immigrants come, without whose certificate they should not be received on board ship, and who should see to it that no person except those of good character, and no person whose labor is not his own property, be allowed to come over. Especially should the trade in human labor under all disguises be suppressed. Filthy habits of living must surely be within the control of municipal regulation. Every State may, by legislation, or by municipal ordinance in its towns and cities, prescribe the dimension, of dwellings, and limit the number who may occupy the same tenement.

An argument is based on the character of the Chinese. You should take a race at its best, and not at its worst, in looking for its possibilities under the influence of freedom. The Chinese are in many particulars far superior to our own ancestors as they were when they first came forward into the light of history. Our British forefathers, at a time far within the historic period, remained in a degradation of superstition and a degradation of barbarism to which China never descended. Centuries after the Chinese philosopher had uttered the golden rule, and had said, "I like life, and I like righteousness; if I cannot keep the two together I will let life go; and choose righteousness," the Druids of Britain were offering human sacrifices to Pagan deities. We must take a race at its best in determining its capacity for freedom. This race can furnish able merchants, skillful diplomatists, profound philosophers, faithful

servants, industrious and docile laborers. An eminent member of the other House told me that he had dealt with Chinese merchants to the amount of hundreds of thousands, perhaps millions, and that they had never deceived him.

Joaquin Miller, the poet of the Pacific coast, writes a letter giving the result of his observation as a magistrate for four years, every word of which is worth reading:

*To the Editor of the Tribune:*

Sir: Fearful that the President of the United States may be induced to sign the Chinese anti-emigration bill, I beg to submit to his consideration the following brief statements: In the first place it is claimed that this is a bill which the Pacific people have deeply at heart. I venture to assert that not half of the solid wealth and worth of the far West, outside of the politicians, favor this bill. I have many letters protesting against it as a coarse and cruel measure. My parents, all my people, my heart, and my home are there. I know the hardy, honest-hearted settlers there, and I know that they protest against this measure which politicians are trying to compel through Congress in their name. And why is this being done? As early as 1854 this cry against the Chinese began to be heard along the wharves and about the hotels of San Francisco. It came from Irish laborers and porters, but the cry was equally loud against the negro and the Mexican. In a few years it became more loud, and centered on the Chinaman, for the Mexican had melted away before us, and the negro had gravitated back home. But the cry now came also from the Irish "help," who, by extortionate wages, had brought the Chinaman in competition. These chambermaids, etc., had brothers, lovers. These brothers and lovers were voters—makers of Congressmen. The Chinamen did not vote, and so had no champion. This is the key to the whole question. This outcry against the Chinamen has from that day been a political shibboleth. No man yet, so far as I have known, has gone to Congress and had the manhood to rise in his place and bravely tell the truth and speak a fearless word for this silent and friendless stranger.

About 1856 the Chinaman began to take hold of the Placer mines alongside of the miners of the Sierras. Up to that time he had confined himself as a rule, to the pan and the rocker and kept in the wake of the white miner; but now he took to the long tom, sluice, and flume, and bought and worked mines on a large scale. He never ventured to "take up" a claim, but timidly held his ground by bill of sale from some speculator who had sold it to him at a fabulous price. The honest men of the Sierras welcomed them, and side by side they worked together for many years; and I am certain that every miner of those days, who has no selfish ends to serve, will gladly testify to the honesty, industry, and neighborly good nature of these silent, little brown men. These people at the same time, were terribly taxed by the county authorities, but they always came up promptly, and without a word of complaint paid what was demanded of them. At Canon City, Grant County, Oregon, this monthly tax was five dollars a head for every Chinaman,

They had constantly to endure wrongs from every drunken ruffian or reckless "hoodlum" who saw fit to impose upon them; yet they were the most peaceful people we had among us. I sat on the bench as judge of this county for four years, and I will state on the honor of a magistrate that the calendar, both criminal and civil, showed the names of at least ten white men to one Chinaman, although the Chinese population, during the most of this time, outnumbered the whites. Let me here say that I never, during all my years of intercourse with this people, as miner, or magistrate, saw a single drunken Chinaman. I never saw a Chinese beggar; I never saw a lazy Chinaman. They are perhaps the most industrious people in the world. It is a part of the Chinaman's religion that in the sweat of his face he shall eat his bread.

Can the United States afford to fear these patient and simple people? They will not harm us. They are not strikers, rioters and burners of cities. But there is something more in this than the selfish question of our own security. The Chinaman who returns home carries something more than our gold to his land; he takes with him, and disseminates there, all the art, civilization, freedom or truth which he found here. These are the real missionaries to China. This bill must not become a law. This bold attempt to make it so ought to condemn to infamy every one of the great names that advocate it. The little men who stand as ciphers to dignify and add to these great figures in Congress are not perhaps, so much to blame. But it is pitiful to see these great minds prostituted to such selfish aims. They pay a poor compliment to the intelligence of the people of the Pacific coast if they think they are not perfectly understood. No; the Creator of us all opened the Golden Gate to the whole wide world. Let no man attempt to shut it in the face of his fellow man.

JOAQUIN MILLER.

New York, February 23, 1879.

But it is urged, and this, in my judgment is the greatest argument for the bill, that the introduction of the labor of the Chinese reduces the wages of the American laborer. "We are ruined by Chinese cheap labor," is a cry not limited to the class to whose representative the brilliant humorist of California first ascribed it. I am not in favor of lowering anywhere the wages of any American laborer, skilled or unskilled. On the contrary, I believe the maintenance and the increase of the purchasing power of the wages of the American workingman should be the one principal object of our legislation. The share in the product of agriculture or manufacture which goes to labor should, and I believe will, steadily increase. For that, and for that only, exists our protective system. The acquisition of wealth, national or individual, is to be

desired only for that. The statement of the accomplished Senator from California on this point meets my heartiest concurrence. I have no sympathy with any men, if such there be, who favor high protection and cheap labor.

But I believe that the Chinese, to whom the terms of the California Senator attribute skill enough to displace the American in every field requiring intellectual vigor, will learn very soon to insist on his full share of the product of his work. But whether that be true or not, the wealth he creates will make better and not worse the condition of every higher class of labor. There may be trouble or failure in adjusting new relations. But sooner or later every new class of industrious and productive laborers elevates the class it displaces. The dread of an injury to our labor from the Chinese rests on the same fallacy that opposed the introduction of labor-saving machinery, and which opposed the coming of the Irishman, and the German, and the Swede. Within my memory in New England all the lower places in factories, all the places of domestic service, were filled by the sons and daughters of American farmers. The Irishman came over to take their places; but the American farmer's son and daughter did not suffer; they were only elevated to a higher plane. In the increased wealth of the community their share is much greater. The Irishman rose from the bog or the hovel of his native land to the comfort of a New England home, and placed his children in a New England school. The Yankee rises from the loom and the spinning-jenny to be the teacher, the skilled laborer in the machine shop, the inventor, the merchant, or the opulent landholder and farmer of the West.

Mr. President, I will not detain the Senate by reading the abundant testimony of the possession by the people of this race of the possibility of a development of every quality of intellect, art, character, which fits them for citizenship, for republicanism, for Christianity.

Humanity, capable of infinite depths of degradation, is capable also of infinite heights of excellence. The Chinese, like all other races, has given us its examples of both. To rescue humanity from this degradation is, we are taught to believe, the great object of God's moral government on earth. It is not by injustice, exclusion, caste, but by reverence for the individual soul that we can aid in this consummation. It is not by Chinese policies that China is to be civilized. I believe that the immortal truths of the Declaration of Independence came from the same source with the Golden Rule and the Sermon on the Mount.

We can trust Him who promulgated these laws to keep the country safe that obeys them. The laws of the Universe have their own sanction. They will not fail. The power that causes the compass to point to the North, that dismisses the star on its pathway through the skies promising that in a thousand years it shall return again true to its hour, and keeps His word, will vindicate His own moral law. As surely as the path on which our fathers entered a hundred years ago led to safety, to strength, to glory, so surely will the path on which we now propose to enter bring us to shame, to weakness, and to peril.



## RANDALL LEE GIBSON.

**R**ANDALL LEE GIBSON, of New Orleans, is a native of Spring Hill, near Versailles, Woodford county, Kentucky, where he was born September 10, 1832. He received a thorough education, being trained in the schools of Woodford county and in Lexington, Kentucky, then in Terre Bonne Parish, Louisiana, whither his father had removed, and engaged extensively in the work of a planter, and after deriving all the benefits of the schools of that locality, he entered Yale College, and graduated in 1853. He determined to enter the law as a profession, and became a student in the law department of Louisiana University, from which he graduated in 1855. His thirst for knowledge had not yet been satisfied, and he spent the next three years in travel, observing and studying closely the institutions and customs of places visited, and laying a broad foundation on which to build a useful public life.

He was tendered the position of Secretary to the Legation to Spain, but declined it. A few years later he was appointed Aid to the Governor of Louis-

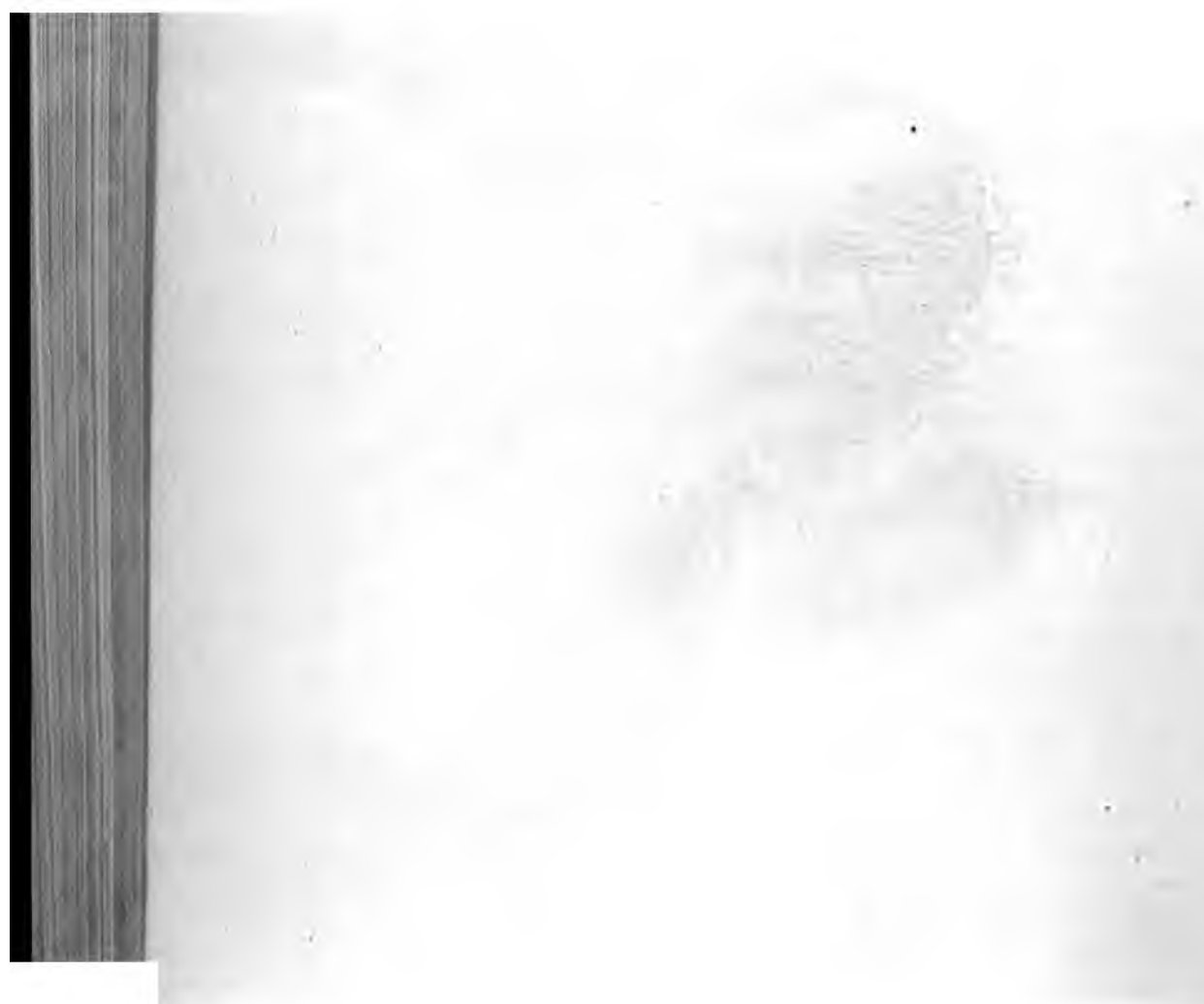
iana, which he held at the breaking out of the war. Mr. Gibson, as a Southern man by birth and feeling, united heartily in the movement of the South, joined the army, and continued with it until the end. He distinguished himself in the service for skill and courage, and was successively advanced from post to post, until at the close he held the commission of a Division Commander. He then returned to New Orleans and resumed his practice, and he has also devoted much attention to the questions of agriculture and transportation, particularly in his own State. He owns and operates a large plantation with success.

In 1872 Mr. Gibson was elected to a seat in the national House of Representatives, but was not allowed to take his place in that body. In 1874 he was again elected, and this time admitted. He was subsequently re-elected to the Forty-fifth and Forty-sixth Congresses, and served with advantage to his State and country. He was next called to a higher post. The Louisiana Legislature, by a unanimous vote, elected him to the United States Senate for the term commencing March 4, 1883.



RANDALL L. GIBSON.

ENGRAVED FOR ORATORS AND ORATORY, FAIRBANKS, PALMER & CO., PUBLISHERS.



He is a man of independent views and has courage to express and stand by them.

In Congress he favored and supported the Specie Resumption measures, which were so strenuously opposed by his party,

and it was he who introduced the bill creating the Mississippi River Commission, to look after the improvement of the river from Minnesota to the Gulf, and after four years of assiduous care he had the satisfaction of seeing it become a law.

### THE RIVER AND HARBOR BILL.

*Mr. Gibson's Speech, delivered in the House of Representatives, Saturday, June 3rd, 1882.*

MR. PRESIDENT: The Committee on Commerce, under orders of the House, have taken into consideration the report, specifications and estimates of the engineers for the improvement of the rivers and harbors of the country, submitted by the Secretary of War, and after several months of careful and laborious consideration, day after day, hearing not only honorable Senators and Representatives in behalf of the public works in their respective States, but delegations of prominent citizens from cities and commercial bodies, and also the engineer officers of the government, in order that they might, as far as possible, make themselves acquainted with their plans and methods, and the relative merits of the works, have represented the annual appropriation bill for the same. It will be observed that the estimate of the engineers amounted to nearly \$41,000,000, and that the committee have deemed it necessary, in the interest of a wise and judicious expenditure, to reduce this sum to about \$17,000,000.

I must confess, Mr. Speaker, I took service upon this committee with reluctance, for I had been accustomed, year after year, to hear it reproached as the log-rolling committee of the House, and I had come to feel that there must be some unworthy spirit of jugglery and job-

bery pervading its deliberations. I have been agreeably surprised. I can say conscientiously, I have never during my public life been associated with a body of gentlemen who were animated by a broader or higher patriotism, or by a firmer purpose to do right, without regard to persons, parties, or sections, or exhibited greater industry.

The constitutional power of the government over commerce, its derivation, its extent, and the limitations upon it, have been so firmly settled that any discussion of it would be superfluous. In the great struggle illustrated in the career of John Hampden and George Washington, the principles upon which taxation should be levied, and trade and commerce regulated, were determined. The vital force that sustained both had the same unfailing source in the determination of the people—to set metes and bounds to the manner in which their labor and property should be taxed, their revenues raised, and their commerce promoted, for they knew that the value of labor depends upon the facilities with which its fruits may be exchanged, and that if a man's earnings could be taken from him, or his intercourse with his fellow-men regulated in an arbitrary manner, there was an end of all liberty, and of all happiness.

But after the battle for the independence of

the Colonies was won, each State preserved its own system of taxation, and the whole confederation fell into imbecility and confusion from the want of the means to collect revenues to maintain the public credit, to pay the patriot army, or to support an efficient administration. There were as many different systems of revenue as there were States. It was at this juncture that Virginia, on January 21, 1786, appointed commissioners on her own behalf and invited her sister States also to appoint commissioners "to take into consideration the trade of the United States." These commissioners met at Annapolis, Maryland, September 13, 1786, but seeing that none of the States north of New York were represented, and "not desiring to proceed on their mission under the circumstances of so partial and defective a representation," they completed their labors by suggesting that all States should appoint commissioners to meet at Philadelphia. This suggestion was adopted, and the convention that assembled in accordance with it, on May 25, 1787, in Philadelphia, framed the Constitution of the United States.

After the separation of the colonies from the mother country the importations from England were enormous, and goods of American manufacture could not be sold in competition with British, and all importations into the staple States and exportations from them were carried on in British bottoms. Pennsylvania had already protected herself by a tariff for that purpose, and Massachusetts had established a navigation act to protect her large commercial interests; so that no goods could be imported in British ships. The planting States were interested in having free trade with the mother country—the utmost freedom of exchange and free bottoms—but the political benefits and security they derived in other respects from the Union induced them to yield in these respects.

As early as August 7, 1789, Congress passed an act which was opposed by George Washing-

ton, entitled "An act for the establishment and support of light-houses, beacons, buoys, and public piers." It is expressly stated in the act that the appropriation is made "for rendering the navigation easy and safe."

This was the first of a series of acts down to the present river and harbor bill, of which in the aggregate more than \$100,000,000 have been appropriated to give "ease and safety" to navigation and commerce. And this is the precise language employed in the appropriation for the Mississippi River, and it was employed also in the act creating the Mississippi River Commission.

The exercise of these powers has not been unchallenged. It was insisted by certain leading statesmen that, while Congress might establish commercial regulations, there was no power whatever to deal with the commodities of commerce, or the vehicle in which they were transported, or the channels and highways. Others insisted that all appropriations should be confined to rivers and harbors below ports of entry, and to rivers running through two or more States, or which were tidal streams.

The lakes and their outlet are the Mississippi of the North, stretching from the heart of the great West to the Atlantic seaboard, around whose shores is growing up in the very centre of our country a mighty empire. The great interior basin of the Southwest is called the Mississippi river, but it is really a lake or a series of lakes. Where is there such a valley in the known world? Where such a people? The potency to this valley was first settled and the States of Louisiana, Mississippi and Arkansas were admitted into the Union. The agricultural interests upon its borders were the supreme interests.

The upper valley was not settled, and the surface remained unbroken. Transportation was chiefly in flats and barges and small steamboats, and the basin was not filled and shallowed by *detritus* contributed by the spade and plow,



subduing an empire. Hence the question of transportation was a subordinate one. The settlers only thought to protect themselves against the annual rises, and a system of levees and dikes was adopted, first by individuals, then by counties or parishes, and finally by single States.

But it soon became apparent that the magnitude and variety of the interest and the character of the protective works would require the supervision and uniform administration of the Federal power, unless the States bordering upon the river could unite in a common league for the exercise of a joint jurisdiction. It was evident that no State, without the concurrence of the adjoining State or States, could protect itself against the floods becoming more disastrous as the upper country was settled. It was seen that when every mile of the front of Louisiana was made secure by levees or dikes that had cost many millions, Louisiana would be overwhelmed by the flood coming through the Arkansas front by reason of the failure on the part of the State of Arkansas, whose river interests were insignificant in comparison with those of the lower State, and did not justify the expense of putting up defensive works. Reasons like these and others induced the Federal Government to order surveys of the river, with the view of ascertaining the best plan to protect the people from the floods and to reclaim the immense area subject to annual inundation.

The most celebrated of these surveys was completed after ten years of labor by Humphreys and Abbot, and their report is a monument of industry and learning. Special committees were constituted by Congress, and a bill for constructing levees passed one House of Congress but failed in the other. In 1865 Secretary Stanton ordered the levees to be rebuilt, for they had been destroyed by the war, and he regarded it as an act of humanity to restore these public works, essential to the good order of society, and now needed more

than ever by the people struggling with poverty, amid social and political conditions, involving a disruption of traditions and customs, and established relations, but it was not done.

Prince Gortchakoff felt called upon, during the recent war between Russia and Turkey, to give a guarantee to the great powers that Russia would rebuild similar works on the Danube if they should be destroyed.

President Grant appreciated the necessity for action, and a commission was again appointed in 1874, and its recommendations for levees, though urged by him, failed again to become a law.

In the Forty-fourth Congress a permanent committee of this House on levees was for the first time organized in the history of Congress; a bill was framed by this committee after a full hearing and thorough investigation of the subject, in favor of rebuilding levees—a direct appropriation to protect the alluvial region, and all that was in it, from the doleful effects of the floods; and though the effort was made with energy and eloquence, the friends of the measure failed to get one-third of the vote of the House.

Let those who have censured the representatives of the valley, and who still clamor for direct appropriations for levees, review this interesting epoch in the history of legislation on this subject. Fortunately for the cause of good government, just at this time a new and hitherto unfelt element was to appear as a powerful aid and factor in solving the problem of the destiny of the people in the lower valley. An empire had been called into existence in the upper valley, and the whole people of the mighty valley, north and south, were about to unite their voices in demanding justice from their government.

What the cotton-gin was to the South the railway and reaper were to the Northwest. In less than the lifetime of a single generation that

unbroken wilderness had been subdued, and the vast region from the Ohio to the Yellowstone and the Red River of the North had been converted into waving grainfields, filled with busy workshops and the homes of our industrious, educated, virtuous, and liberty-loving people, possessing the granary not only of America but of the world. They were to feed as the South was to clothe the people of the earth.

But the question puzzling them was transportation. The railways that had contributed so much to build up the country were monopolies and laid a heavy tribute upon their productions. A reduction of two cents a bushel in the cost of transportation to Liverpool, where the price of the food-crops is determined, would save the producers in the valley the enormous sum of \$50,000,000 a year in clear profit; and at the present rate of increase, within five years, instead of fifty-millions, the savings would equal one hundred millions a year. They then turned toward their great river for relief. They found its mouth closed by sand bars. They found navigation impeded throughout its whole length for nearly half the year by shallow water, and made perilous by the floods at other seasons of the year. The genius of Eads answered the demand by building jetties at the mouth that gave deep water, so that vessels of the greatest burden may come and go. But it was then asked, why not apply a remedy to remove the obstacles and perils along the entire river, if one can be devised, in order that this channel of commerce may be useful at all stages and at all seasons?

The author of the jetties insisted that the laws that controlled the river were well known, that the conditions and phenomena that were found to exist near its mouth, prevailed throughout its entire length. He held that by applying the jetty system to the river, confining its waters in their highest stages, and contracting the channel where unduly wide, and protecting the banks against caving, works wholly practicable

and inexpensive, a uniform channel might be obtained affording deep water all the year round for the largest vessels to St. Louis, and, at the same time and by the same means, the slope or flood surface would be so lowered as to prevent destructive floods; floods destructive not only to commerce and trade, and the vehicles of transportation, to life and property on the river, but destructive of all government, of all industry, of the property, the earnings, the schools, the churches, the very existence of organized society throughout the wide alluvial region.

In order to secure legislation to carry out the views of the great engineer, in whose plan were happily blended the interests of both the upper and lower valley, on April 26, 1876, in the Forty-fourth Congress, a measure was offered for a commission to improve the Mississippi River, to be approved by the President, and referred to the Committee on Commerce; and Captain Eads, having been invited to appear before the committee in advocacy of the plans, concluded his remarks with these observations:

There can be no doubt of the entire feasibility of so correcting the Mississippi River from Cairo to the Gulf, that a channel depth of twenty feet during the low water season, can be permanently secured throughout the entire course, and that the alluvial lands on each side of its waters can be made absolutely safe from overflow, without levees by such correction. This can be accomplished for a sum entirely within the ability of the government, and one really insignificant when compared with the benefits which would flow from such improvement.

*Until such work is accomplished an annual expenditure for the maintenance of the levees is imperative.*

That was the fundamental idea which first originated and finally led to the formation of the Mississippi River Commission.

For, soon after the meeting of the next (Forty-fifth) Congress, the Committee on Levees was changed, by resolution, to be the Committee on Levees and Improvements of the Mississippi River, in order that it might take jurisdiction of this legislation, and the Speaker of the House, Mr. Randall, who had always been the staunch friend of levees and of the improvement of the river, was induced to organize this committee by appointing friends of the river upon it, and a new member (Mr. Robertson) of the Louisiana delegation to be chairman of the committee, as the committee had been originally constituted and its jurisdiction extended on resolutions offered by a member from that state (Mr. Gibson).

Following up the measure offered in the Forty-fourth Congress, many others were now introduced and referred to the Committee on Levees and Improvement of the Mississippi River, in the Forty-fifth Congress, which framed one as a substitute for them all, and it was reported through the chairman of the committee, together with a report in favor of it taken from a map and manuscript of the well-known writer on the Mississippi River, Mr. A. D. Anderson.

Amendments to the commission bill from the committee in the Forty-fifth Congress for a direct appropriation for levees were offered, as the record shows, by three members from Louisiana, Messrs. Robertson, Gibson, and Ellis, for they felt that levees should be built in advance of channel treatment or concurrently with it as had been suggested by Captain Eads in the Forty-fourth Congress; that no opportunity should be lost to secure the protection levees would afford to the people they represented. But it was made apparent that each amendment could not be carried, and that insistence upon them might put in peril the commission bill.

This commission bill failed, falling between the two Houses, for the last session of the

Forty-fifth Congress terminated the 4th of March, 1879. But an extra session of the Forty-sixth Congress was convened and legislation for the river was pressed vigorously. Several bills were offered for a Mississippi River commission, modeled on the bill from the committee in the Forty-fifth Congress, substantially like it, limiting the commission to St. Louis, Alton and Warsaw, on the same day and in the same call, by Messrs. Robertson, Chalmers, and Singleton, as will be seen by comparing these bills with one another and the commission bill of the Forty-fifth Congress.

A few days after, another bill was introduced and referred to the committee, different from all these in its title and in the extent of jurisdiction conferred, and in adhering more closely to the commercial idea, and to other bills previously introduced on the same subject by the same person, in the Forty-fifth Congress, as follows:

A bill to provide for the appointment of the Mississippi River Commission for the improvement of the said river from the head of the passes, near its mouth, to its headwaters.

After this bill had been under discussion in the Committee on Levees and Improvement of the Mississippi River, and certain amendments as to details made and accepted, at the suggestion especially of General Joseph E. Johnston and others, the author—when the hour of adjournment arrived—remained in the committee-room to perfect it so as to introduce it again without delay, and invited Mr. Robertson and Mr. Dunn to remain with him for a few moments, and to assist him in incorporating the amendments and suggestions adopted by the committee, and to arrange the order of the phraseology of the fourth section; valuable aid was freely given by both gentlemen. Mr. Dunn's suggestions as to the arrangement of the phraseology of the fourth section were mainly adopted by the author, and, as thus perfected, the bill was reported the same morning to the House, referred again to the committee, and was

adopted without change by the committee at the next meeting, as would naturally follow, from the fact that all changes agreed on in the committee had been embraced in the revision.

This bill constituting the commission became the law, and was approved June 28, 1879, and the members were appointed and began the work committed to their charge. They have submitted two reports to Congress, with their recommendations, plans, surveys and estimates.

The last Congress voted them \$1,000,000 to enable them to undertake the execution of their plans. This appropriation was placed in the regular river and harbor bill by the Committee on Commerce, at the earnest solicitation of the member who had introduced the bill and carried it through the Committee on Levees and Improvement of the Mississippi River. If the Committee on Commerce had declined to incorporate the appropriation in this annual bill all our efforts would have failed in the last Congress.

At the opening of the Forty-seventh Congress an energetic effort was made to secure for the Committee on Levees and the Improvement of the Mississippi River—which, under the new rules, had the authority to consider subjects relating to levees only: jurisdiction over questions relating to the improvement of the river, with the power to make appropriations and to report at any time, and we failed. It only remained then for the friends of the river to go, under the orders of the house, before the Committee on Commerce, when it was embraced in the bound volume of estimates submitted by the Secretary of War with his approval, for the improvement of all the rivers and harbors of the country.

This committee not only considered the report, but called before it the members of the Mississippi Commission, and, after thorough discussion, they voted to order \$4,123,000 to be expended by the Secretary of War, in order, as

the old acts recite, to afford "ease and safety" to the navigation and commerce of the river, in accordance with the plans, and estimates, and recommendations of the Mississippi River Commission, from the passes to Cairo.

I have entered upon this sketch of legislation to show the care and circumspection with which it has been conducted. In the Forty-fifth Congress, after the commission had submitted their plans, in order that they might be more fully understood and appreciated by Congress, a resolution was offered and adopted directing a sub-committee to go down the river and to verify for themselves, as far as possible, by personal inspection and investigation the plans of the commission, to acquaint themselves with the phenomena of the river. Members from the North who went there, incredulous and apprehensive, came back enthusiastic advocates. The report of this committee should be read by every member of Congress. It constitutes a valuable addition to our knowledge of the river, and the character of the members who signed it entitles it to great weight and influence.

I venture to say that no member of this House who will take the time to read this masterly report, will fail to be convinced of the utility of levees, and of the whole system of river treatment as demonstrated with the clearness of a theorem in Euclid by Capt. Eads.

Fearing that our commission bill might fail, as early as November 14, 1878, I induced General Humphreys, Chief of Engineers, to take the opinion of the Board of Engineers, on the connection between levees and navigation, and they "held that the levee system, if undertaken, should be matured and developed in connection with the navigation improvement." This report was signed by the most eminent engineers, including the present Chief of Engineers, General H. G. Wright, and General H. G. Barnard, who spent many years of his professional life in the investigation of the phenomena of the

river. In the disquisition upon the subject he concurred with all the engineers in declaring outlets as "utterly impracticable." He further says:

The idea that levees have a tendency to cause a rising of the bed is so simply absurd, so destitute of a single reason to justify it, that it hardly seems necessary to allude to it, it is the want of levees and that alone which can cause such a rising.

The same views are expressed by General Beauregard, whose long service on the river, and genius as an engineer, entitle his opinions to great weight.

If any subject upon which Congress has been called upon to act has ever been elaborated, fully investigated, and considered, and considered, it is the Lower Mississippi.

Since we purchased the Louisiana territory, it has been under survey and exploration, and by the very terms of acquisition, as well as by the ennobling acts for the admission of the riparian States, absolute jurisdiction over it was reserved to the Federal government, and especially denied to the States. And now, after nearly eighty years of absolute neglect, and the engineers finally submit a plan for its improvement under the national jurisdiction—a plan that has been, as I before observed, more carefully prepared, more fully discussed, than the plan for any other public work in the country, a hue and cry is raised and the alarm is sounded that the national Treasury is about to be emptied into the remorseless waves that have swallowed up the fortunes, and earnings, and homes, and hopes of so many thousands of our despairing countrymen.

Others, while expressing sympathy with the great public purpose, invent riders and provisos that either modify or defeat their plans.

It appears to me that the legitimate function of Congress is to determine the objects worthy of appropriations from the Federal Treasury, under the limitations of the constitution. If it be admitted that it is competent for Congress to legislate for the benefit of the trade and commerce on the Mississippi River, and to make

appropriations under the power to regulate commerce for its improvement, questions concerning the plans best adapted to the purpose should be left to the independent determination of the engineers. This is the uniform rule, departed from only when members of Congress insist upon dictating a policy to the engineers, or instructing them as to the methods they may or may not adopt in treating the Mississippi River under the power to regulate commerce.

I ascribe this difficulty not to local or sectional prejudice, but to the inveterate misapprehensions that prevail as to the phenomena of the Lower Mississippi. Our friends from other parts of the country think of it only as a river, and reason about it as they do about their own rivers, whereas the Mississippi from Cairo down is not a river in the ordinary sense of the word. It is a series of lakes, winding for 1,100 miles through the alluvial region formed by it from Cairo to Port Eads, while the straight line from point to point is only 500 miles, and presenting a coast-line of 2,200 miles, equal to the whole Atlantic seaboard from Quaddy Head, Maine, to Cape Sable, Florida.

Into this vast basin the valley, stretching from the Alleghenies to the Rocky Mountains, empties its rainfall by forty-three mighty rivers, fifty thousand miles of boatable streams, and on its bosom is borne a commerce twice as great as the whole foreign commerce of the country—safe without a navy to defend it, in the heart of the country, facilitated by no canals, protected by no fortresses, no harbors, no buoys, no harbors of refuge, no piers, no breakwaters, none of the costly appliances adapted to the lakes and seaboard, because the conditions are different. Shall we do nothing because the engineers recommend a plan and instrumentalities unlike those you have been accustomed to see applied in upland streams and on the ocean front, and for which we have annually made appropriations in unstinted measure?

The engineers tell us that they must hold all

the water in the river in order to secure the force and velocity necessary to carry the *detritus* and burden to the sea; that, when this is done, they will contract the channel at points where it is unduly wide, and that thus they can at the same time secure the deep water at all seasons, prevent destructive floods, and protect the valley from inundations; that levees, and jetties, and permeable mattresses are the instruments they desire to employ for this purpose; that the total cost will be \$37,000,000, \$33,000,000 for direct channel work, and \$4,000,000 for stopping gaps in the levees. Now there are those who are opposed to allowing the engineers to build levees for the purpose of protecting or reclaiming the alluvial lands, but they are willing that they should be built, provided in the judgment of the commission it should be done in the interests of the navigation and commerce of the river. The proviso in the present bill is in accordance with this view.

From the beginning I have insisted that all provisos and restrictions were unjust and illogical; but after consultation I yielded to the advice of friends, for whose patriotism and judgment I have great respect, but I still hope and believe even this proviso may be removed. The engineers insist that levees deepen the channel and thus facilitate the navigation in low water. But why is it that such exclusive attention is given to the obstacles to navigation in low water and none to the perils when at the flood stages of this inland sea? We do not legislate simply to secure deep water except for your shallow water courses in the mountains.

The Constitution does not confer upon us authority to make appropriations merely to secure deep water. The language is "Congress shall have power to regulate commerce." Commerce is the subject to be regulated. And the first act, passed one month after the government went into operation, declared its object to be to give "safety and ease," not deep water, to navigation.

Now we insist that this power in all its extent should be applied to the great interior basin as well as to the northern lakes. We might defend the construction of levees upon the ground assigned by the engineers as above stated—that they control the water in its high stages so as to remove the obstacles to navigation in its low stages.

But, I ask again, why confine our solicitude for the river only to its low stages? Do its commerce and trade require no help; can nothing be done to facilitate them? Are there no perils during the season of floods? I do not hesitate to declare that the losses of life and property, the increased charges of freight and insurance on the river, are greater during the overflows than during the low waters.

If you may build dams across the beds of streams in the application of the slack-water system to your rivers in the up-land country, raise these elevations in the bed to secure deep water, why may you not, upon the same principle, in the alluvial streams raise these elevations, these dikes or levees, on the banks to secure deep water, why, if you can dig a canal around the Des Moines Rapids on the Upper Mississippi, dig out the channel around the falls to secure deep water at an expense of \$6,000,000, within a few miles, may you not throw up the dirt to make a channel of deep water at the same cost for five hundred miles?

If you may construct the Delaware Breakwater, and the harbors of refuge, and harbors of commerce, on the eastern seaboard, costing millions and millions of dollars, and maintain your light-house service, at an annual expense of \$2,500,000, and your life-saving service, and your sheltering piers, not for deep water, but to give "ease and safety," why may we not upon this great inland sea, maintain a line of levees which are continuous harbors, affording "ease and safety" to commerce and navigation in storms and at night; channel preservers and indicators, and answering all the

purposes of your breakwaters, your buoys, your harbors, and your sheltering piers. Without them you can have no channel, no postal service, no foundations for light-houses, no shelter for your barges and smaller crafts, no harbor of safety in storms, but every other appliance that may be devised for protection is borne away by the floods. With them you have security at all times, night and day, a well-defined channel, an inexpensive harbor that stretches its arms along the whole course of the voyage, affording shelter to the vehicles of commerce, and facilities for all its exchanges.

Take the commerce on this basin, this inland sea, from Cairo to New Orleans, and you will not find, you cannot find, one single public work for its benefit or convenience; and I insist that these levees are the only appliances that ever have been devised to answer the demands of this trade, and their cost is insignificant in comparison with the magnitude of the commercial interests to be subserved.

They should therefore be constructed to afford ease and safety to the navigation and commerce of the river. It is either these or nothing, for there are no other appliances that have been suggested.

Will it be insisted longer that nothing shall be done?

If, under the power to raise revenue, you may tax commerce, importations from foreign countries, so as to protect labor and capital in manufacturing industries, and under this same power, or under the power to regulate commerce, maintain a navigation act for the exclusive benefit of the shipping interest of the country, surely when you come to apply the power to regulate commerce, you should be willing to afford incidental protection to the agricultural interests of the lower valley. The grounds from which we deduce protection from the commercial power are as solid and clear as those drawn from the revenue power. But the objects for which the protection is sought in this instance

are out of all proportion to the interests of a single industry like manufactures or shipping, for they embrace all the industries, the whole life of the people in the lower valley, an area equal in extent to the State of Indiana, of unsurpassed fertility, whose inhabitants fled recently from their homes, only after heroic resistance to the relentless floods from adjoining States, as completely in plight as the Tartar tribe from the banks of the Volga, suffering besides a loss of \$50,000,000 in values, anxieties and experiences that no tongue can portray and no one appreciate or realize unless present to witness the wide-spread destruction, the numberless woes endured by a whole people, helpless infancy and old age, brave men and braver women, driven forth suddenly from happy firesides and tranquil labors, upon a wild waste of waters, without shelter, without food. Is there no power in the Federal Government, since the States are prohibited from co-operation where joint action can alone avail to prevent the repetition of such scenes, and the desolation and dismemberment of society from such a course? Powers should be construed liberally, not only in behalf of favored industries demanding protection, but in favor of humanity and the preservation of society.

And if it has been shown that levees aid even in an incidental manner, the improvement of navigation, are merely auxiliary and no indispensable appliances, they should be constructed on account of the great advantages they confer upon the people dwelling in the alluvial region. But, having been demonstrated to be clearly necessary to the preservation and protection of the channel, and as the appropriate means to afford "ease and safety" to navigation and commerce, upon the passage of this bill the gap will be filled, and the line made complete from the head of the passes to the mouth of the Illinois, as soon as the resources placed in the hands of the commission can be applied. And the great highway, improved and restored,

will afford cheaper and safe transportation to the Northwest, sweetening the toil and bringing increased comforts, privileges, and happiness to the homes of the people freed from the tributes and exactions of corporate monopolies.

And when the next floods pour down upon the lower valley, secure behind their ramparts,

rejoicing in peace and plenty, the people will recall the names of the courageous statesmen from all parts of our common country, who have upheld their cause, and shower blessings upon them. Nor will they fail to remember, with gratitude, the great engineer, J. B. Eads, who devised the plan, nor the patriotic President who urged its adoption upon Congress.









HENRY W. BLAIR.

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## HENRY W. BLAIR.

**I**N many countries the genealogy of public persons is an important item in determining their fitness or unfitness for honor and preferment, but where the government of the people is for the people, and by the people, the first requisites are worth and ability. The Hon. Henry W. Blair has no lack of qualifications on account of his family tree, for no better blood flows than is found in the veins of the sturdy Scotch-Irish, who are to be found in so many parts of this country. Mr. Blair's ancestors were of that stock, and were among the early settlers of Londonderry, New Hampshire.

He was born at Campton, Grafton County, N. H., on the 6th of December, 1834. When he was but two years of age his father died, leaving him to the care of a tender and devoted mother. She labored hard to provide for her little family, and impressed upon her children the purity and nobility of her own nature. The early years of Henry were necessarily subject to privations and hardship. He was put out to work with various parties until he was nineteen years old, enjoying the advantages of the dis-

trict school during these years. He desired to obtain a better training than these schools afforded, and in 1853, and for three years following, he worked, and taught, and attended Academy, alternately, seeking for that riches that abides and increases the more it is used and given for the benefit of others. His health failed, and he gave up his long cherished plan of securing a thorough collegiate education, and in 1856 began the study of law. In 1859 he was admitted to the bar, and was at once taken into partnership with his old preceptor, Wm. Leverett, of Plymouth. In 1860 he received the appointment of Prosecuting Attorney for his native county, and discharged the duties required of him with entire acceptance. The young lawyer was not long permitted to engage in the quiet duties of his profession. Rebellion reared its head, and threatened the Nation's life. There was a call for courageous men to come and place their bodies a living wall before the advancing foe, and stand for the defense of the noblest cause that ever appealed to patriotic hearts. Mr. Blair early responded to the call, enlisting as a private in the Fifteenth N. H. Volun-

teers. He was soon chosen a Captain in that regiment, and was appointed Major of the regiment before it left the State.

As a soldier he did his duty faithfully and courageously, in both camp and field, and was advanced to the rank of Lieutenant Colonel. At Port Hudson, in 1863 he received a severe wound, which disabled him from service for several years.

He returned to Plymouth, and again took up the practice of his profession, and in 1866 was elected to represent his town in the State Legislature. The next year he was elected to the State Senate, and re-elected in 1868. The next few years were devoted to the practice of his profession and the enjoyments of private life, and few can better appreciate them.

There was work for him yet. His district was represented in Congress by a Democrat. In 1874 the task of redeeming it to the Republican party was imposed upon him. He was elected, and served with honor. He was re-elected, and served a second term, doing efficient service in the legislative halls as he had before done on the tented field. He declined a renomination to the Forty-sixth

Congress, in 1878, and in June of the following year he was elected by the Legislature of New Hampshire to a seat in the United States Senate. In all his labors in that body, he has shown himself to be a progressive man, and legislates for the future as well as the present. He is an able speaker, and is a strong advocate for any cause that he espouses.

During the summer and fall of 1883, he was a member of the Congressional Committee appointed to examine into the labor troubles throughout the various states, and to report to Congress at a future time. In this, as in all other positions, he served the people faithfully and well, and the report of the committee will be looked forward to with much interest.

Mr. Blair has the honor of proposing in Congress an amendment to the Constitution of the United States, whereby "the manufacture, sale, importation, exportation, and transportation of distilled liquors, anywhere in the National domain (States and Territories), except for medicinal and scientific purposes, is prohibited after the year 1900."

## AID TO COMMON SCHOOLS.

*Mr. Blair's Speech, delivered in the United States Senate, June 13, 1882.*

MR. PRESIDENT: I propose to inquire into the nature and extent of the powers and obligations of the National Government to assist in the education of the people when necessary,

for its and their own preservation; to develop and illustrate the actual condition of popular education in this country as revealed by the census of 1880, and from other reliable sources,

and thereby to demonstrate the necessity of national aid to common schools at the present time; to explain the several measures pending in Congress having that end in view, and to briefly give my reasons for supporting Senate bill No. 151, as, in my belief, best calculated to secure the object desired by the advocates of all.

The United States are conceded by all, to be a unit and a sovereignty within the scope of the powers expressly granted or necessarily implied in the written constitution. The only real question between those who have held to the national idea on the one hand, and that of State sovereignty on the other, has been as to which had the right to decide upon their relative jurisdictions, and to establish their political boundaries when in dispute. Upon this question I do not now propose to enter, because it is not essential to the maintenance of the argument on this occasion. My leading proposition is that the general government possesses the power and has imposed upon itself the duty of educating the people of the United States whenever, for any cause, those people are deficient in that degree of education which is essential to the discharge of their duties as citizens of the United States or of the several States wherein they choose to reside.

This does not imply that a like power and even more imperative duty do not require the people of every State to educate its own citizens. It is a power not hostile but friendly to the States. Nor is it a power to be exercised unnecessarily. It should be exercised only in emergency and when manifestly essential to the good and therefore ultimately to the general welfare. As the State may not engage in war unless actually attacked or in such imminent danger as will not admit of delay, so the United States should not enter upon the duty of educating the citizen to bear the responsibilities to the Nation and to the State, until the local power is shown to be manifestly in neglect.

and the necessity is apparent and imperative. But the power is there.

There is no truth better established or more generally admitted than that the Republican form of government cannot exist unless the people are competent to govern themselves. The contrary doctrine would be an absurdity, a contradiction of terms. What is the Republican form of government but government of the people by the people? But how can the people govern, how exercise sovereignty, except they have the knowledge requisite to that end? Sovereignty requires as much intelligence when exercised by the people as a whole as when exercised by a single individual; it requires more. The monarch governs according to his will, not necessarily with that broad intelligence demanded by the public good. Government for the people by the people implies that degree of popular intelligence which will enable the masses of men to comprehend the principles and to direct the administration of government in such a way as to promote the general welfare. Republican government therefore requires a higher degree of intelligence on the part of the sovereign than any other form. That sovereignty is the wise policy of the people. How then can the Republican form of government exist and continue to exist unless from generation to generation a certain minimum of citizen intelligence be maintained?

But the question is deeper still. How can the citizen read without education? What is education but the power of education of the Government and training of the people of the individual? It is the power to supply the mind with the highest and noblest ideas of education which confers the capacity for self-government. It is the power to supply the mind with the highest and noblest ideas of education which confers the capacity for self-government. It is the power to supply the mind with the highest and noblest ideas of education which confers the capacity for self-government. It is the power to supply the mind with the highest and noblest ideas of education which confers the capacity for self-government.

This primary duty of education is the basis

membership is by the law of nature imposed, in the first instance, upon the parent. But the parent cannot fully discharge it. What then? Society, through the established forms of government, interferes and performs what the parent fails to perform. Is this any violation of the right of the parent? No one pretends it. It is merely the doing of that which, for the good of the child, the parent, and the whole social fabric, must be done. The right of the mass, that is, of the state, is paramount even to that of the individual, inasmuch as the general welfare—the safety of the people—is the supreme law. No parent has the right to say that his child shall remain ignorant. He has no right to breed fire brands and death to the society of which he is a part and to which he owes every thing himself. Here is the foundation of the right of compulsory education on the part of the state.

If the parent fully exercised his right to properly educate his child there would be no occasion for the interference of the state; but he fails to do it. Benevolent voluntary effort comes to his aid. This also fails. What then? The law of self-preservation at once asserts itself in behalf of the state as well as of the individual, and for the welfare of both it must put forth its power. These principles are fundamental and are so plain that their assertion may seem superfluous. But we now come to an important question in the argument.

What in our complex system of government constitutes the "State," the organization in which reside the right and duty to educate the individual when the parent and voluntary agencies fail? The term "State" has various significations, but as used in this connection it is thus defined by Mr. Webster, and by the writers upon law: "A political body or body politic; the body of people united under one government, whatever may be the form of the government."

There can be no doubt that under our system

the word "State" includes the combined powers of both the United States and of the several States of whose Union the former is composed. The territory which constitutes the one includes the many. The citizens of the many are individually and identically the citizens of the nation at large. Every citizen of the United States who resides in a State is a citizen thereof. "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." The rights and powers of the great community of fifty millions of people, who constitute the citizens of the United States and of the several States, are vested in the government of the United States, in the governments of the several States, or in the people themselves. Although these three depositories of rights and powers are "distinct like the billows," yet they are "one like the sea." Distinct in their several jurisdictions, yet they constitute one great whole, and act together harmoniously for the individual and common good, each independent of the other in its sphere, like the independent yet concurring powers of nature in the realms of physical life, where:—

"All are but parts of one tremendous whole,  
Whose body nature is, and God the soul."

It is only as we use the word State in this complete sense that the people of the United States, who are also the people of the several States and of the Territories, constitute "a body of persons united together in one community for the defense of their rights, and to do right and justice to foreigners."

Now, the right of self-defense, which is the right of self-preservation, is the right to live and to be. The right of the people to be at all, implies and includes the right to constitute and maintain the State—that is to say, government—and to prescribe its form, for human existence is impossible without government. The governing power must know how to govern or it

cannot govern. Can a man do that which he knows not how to do? The people have distributed the functions of government between the national and the sectional, or the State authorities, and have retained in themselves the initial exercise of all power through the ballot. The ballot is the Republican form of government both in the Nation and in the State.

Intelligence is necessary in the individual, who is the sovereign, in the one as well as in the other. The right and duty of the national portion of the government to preserve itself, and of the individual to preserve *it*, and to exert his sovereignty through its forms perpetually, are absolute. It is the right and duty of the whole to preserve the whole, and the right and duty of the whole to preserve the whole implies the preservation of all the parts by that whole, to the existence of which all the parts are necessary. It is not necessary that a man should have written permission to live. He needs no license stamped or sealed to give him the right to breathe.

His creation implied all that. Just so the people, when they created governments, both of State and Nation, Republican in form, and bade them multiply their blessings and replenish the earth with their civilizing and ennobling activities, necessarily gave them the breath of life and the inherent power to preserve that life. To have written into the constitutions of the States or of the national government the right of self-preservation would have been as superfluous as to have required a written order for the sun to shine, for water to run down hill, or for any created thing to obey the law of its being. But the right to educate the child throughout the Nation is the right to preserve the government and the Nation. That right cannot be curtailed. It is geographically co-extensive with the jurisdiction of the government itself, and self-preservation compels its exercise by the national government whenever there is

failure for any reason on the part of the parent and the State.

Still again. The whole people of the United States, that is to say the Nation, by the primary act of the masses, and by the act of their State governments, have commanded in the written terms of the constitutional law of the land that "the United States shall guarantee to every State of this Union a Republican form of government." How is that obligation to be fulfilled? Must its performance await revolution, and must destruction precede preservation? Is it a guarantee of possession to stand by while war and tempest obliterate, and then endeavor to restore? Is reconstruction the only or is it the better way, in which the obligation to guarantee a government Republican in form to the States of this Union can be discharged? Is not the ounce of prevention still worth the pound of cure? Does not the duty to guarantee imply the right to prevent and to preserve even more strongly than to restore? Prevention might be possible when restoration would prove to be impossible.

It is a conceded proposition, that where a duty is imposed, all the power necessary to its performance is conferred, and the choice of means, so far as there is no prohibition, goes with the power.

If all this be so, what doubt can there be, not only of the power, but also of the absolute duty, of the national government to perform its obligation of guarantee in the only effective way in which it is possible? When does the obligation to guarantee attach? Did it not commence with the adoption of the Constitution, and is it not continuous in its operation? Does it not attach as a right in the Territories, which are inchoate States? Does it not follow every moment of the concurrent life of the Nation and of the States, and enter into all their constitutional and inseparable relations?

Not to educate is to destroy. It follows inevitably that not to educate is to break the guaran-

tee of Republican government to the States. If the parent and the State fail to educate the citizen, does not this clause of the Constitution compel the Nation to educate its child?

But Congress has express power "to provide for the general welfare of the United States," and to exert its utmost power of taxation to promote that which was one of the six great ends enumerated in the preamble, and to secure which the Constitution itself was ordained and established by the whole people of the United States of America. That people well understood that without intelligence it would be impossible "to preserve the blessings of liberty to themselves and their posterity." It goes without argument to say that in no way can the general welfare be so promoted as by the general diffusion of knowledge, and the discipline of the mental powers of the masses of the people which can only be accomplished by common schools, maintained by governmental power.

Governments are but agencies established by society, to secure the happiness of its individual members. Whenever they cease to promote the end for which they were created they should be destroyed, and whenever, and so far as they fail, they should modify or reverse their action.

If in the past the national government has not borne its due proportion of the burdens of the education of the people, or if new conditions have arisen which require of it a degree of co-operation with the several States, not hitherto necessary in securing to all citizens of the Republic that degree of intelligence which is indispensable to the safety of society and to the happiness of the individual, who is at once the subject and the sovereign, in both local and national administration, then the time has come for a new departure, and the withes of straw must yield to the expanding limbs of the giant who is arousing himself for the labors of the time which has already come.

But it must not be forgotten that the fathers and mothers of this Republic never conceived

of the possibility of its existence, except as its foundations should be laid upon knowledge and virtue, and that the promotion of sound learning was deemed to be the fundamental duty of the national power. The time would fail to speak of the founders of the colonies, and of the constant efforts which they put forth from New Hampshire to Georgia, to establish schools and colleges for the education of those who were to enjoy the rights of citizenship within their respective borders. The Revolution was the outgrowth of the school, the college, and of the free worship of God. The Constitution of every State, as well as the Declaration of Independence, and the whole theory of the national polity depend upon the possession of knowledge and virtue by the people at large.

Hence Washington never ceased, by word and deed, to enforce this great truth upon his countrymen. Adams, and Franklin, and Jefferson, and Madison, and Hamilton, and Clinton, and Rush, and the whole galaxy of the immortals who cradled the Nation, dwelt continually and emphatically upon the primary necessity of the universal intelligence of the masses, to the perpetuation of their freedom and happiness. Nor did they confine their efforts to precept alone. The Congress of the Confederation as well as the General Government under which we now live, at an early day proclaimed their duty and exercised their power to apply the property of the Nation to promote this great interest of all. One-sixteenth part of the public lands was devoted to the education of the children of the coming States, from the foundation of the government; three-score years afterward the amount was doubled, and from time to time during the century nearly which has elapsed since the ordinances of 1785 and 1787, the Nation has contributed of its resources to the establishment and maintenance of the public schools.

The messages of Washington and other early Presidents, who, with their associates, created



and defined the national powers, and the responses of both branches of Congress, are full of the recognition of the obligation of the general government, to encourage and foster universal education, and as he passed from the scene of official life the Father of his Country solemnly adjured the American people "to promote, as an object of primary importance, institutions for the general diffusion of knowledge."

The promotion of learning and science, and the appropriation of the public money for that purpose, has always been recognized as within the scope of national power. Measures for the establishment of a national university have been supported by our leading statesmen, and appropriations of public money and other property have been, from time to time, made to establish or assist institutions like the agricultural colleges, observatories, the Smithsonian Institute, and exploring expeditions by land or sea, all which implies the possession of the undoubted power as well as the disposition to apply the resources of the national government to these high purposes whenever, in its judgment, the general welfare will be conserved thereby. But even if all this were untrue, the case would remain the same.

Laws are silent in war. They were silent in the conflict through which we have just passed. But what is meant by this? Not that all laws are silent. But that minor regulations which appertain to more quiet times are suspended in the overmastering presence of the great first law of self-preservation.

In this sense, which is the true sense, laws may become silent in peace as well as in war. We are now in peace, but if there be laws which forbid the education of the illiterate millions of the American people by the outstretched arm and bursting Treasury, and innumerable intellectual and moral agencies of the nation at large, then those laws should, and in presence of the uprising sentiment of the

people I may say they shall, be silent in this land until by the diffusion of knowledge and of the power which knowledge gives to every child within our borders peace may be made perpetual. Universal intelligence never makes war. Only ignorance is convertible into brute force. Ignorance is slavery. But for ignorance there would have been no slave. But for ignorance among the nominally free there would have been no Rebellion. The contest we now wage is with that still unconquered ignorance of both white man and black man in all parts of the country which hurried us by remorseless fate to fields of death for four long years. Besides this we confront the demands of hordes incoming from beyond both great oceans, and of the advancing generations of men.

I am glad to admit that whenever the State or the local community is able to sufficiently instruct its youth it should do so, and that the national aid should be invoked only when made necessary by local neglect or inability. But this burden is primarily one of taxation. Civilization must be paid for. Education is the insurance upon civilization. It must be kept up everywhere, for the risk is everywhere. To leave the child of the pauper, uneducated is to incur as great risk of destruction by the fires or floods of ignorance and crime as if he were the scion of wealth and place. So, too, in the nicely balanced forces and relations of localities, the neglect of a county or a township may in some vital emergency destroy the institutions of the whole country by remote or even by immediate results. Hence there must be no admission of the doctrine that the general power can yield the right to educate when necessary to the general good. This power is indispensable to preserve the parts as well as the whole.

If these principles are true, we are next brought logically to the consideration of the actual condition of the United States and the Territories thereof in respect to the education of the people. This must be done that we may

determine intelligently the question whether the nation should appropriate and, either directly or through State agencies, apply the public money for that use.

In determining our duty in reference to the promotion of the general welfare by the appropriation of the public money to the education of youth, it may be well for us to consider not merely our internal relations, but also our position among the nations and our responsibilities to mankind at large. I will do this before proceeding to minute internal inquiries. It is no less than high crime for us to ignore the fact that we are but the trustees of our institutions and political principles for the human race. We cannot innocently forget that there are 1,500,000,000 of our fellow men living upon the planet to-day, of whom not more than one-sixth part are even nominally civilized, and not more than one human being in ten is free, or leads a life which to a citizen of our own favored country seems to be worth living at all. Yet the prospects of the world as a whole never were so hopeful as now.

What imagination can realize the horrors of history, and who can believe that the balance of human experience during the transition from the savage state to the blessings of civilization and of liberty is on the side of happiness? Until the development of our own institutions, it cannot be said that the masses of men who made up the population of any nation since the dawn of time were free. Liberty has either been wholly unknown, or she has been current only in aristocracies, which, while maintaining something like toleration and equality among themselves, have been more despotic in their rule of the masses below them than any king or czar. But our Nation, and ours alone, has been advanced to the condition of a sovereignty universally diffused, to that of kingship popularized. This alone is freedom.

We have gained all that we possess by reason of the education of the individual, and we hold

it upon the same tenure. What we hold for ourselves we hold for mankind, and we hold it for both upon the same condition by which it was gained, and that is the continued and universal education and development of the people. As the leader of the nations it is indispensable to the discharge of our high trust that we incessantly perfect and carefully preserve ourselves. This work cannot be delegated; this responsibility cannot be surrendered nor evaded. Our relations and our influence with mankind at large are sustained and felt in our national and not in our State or individual capacity. Our position as a Nation can only be maintained by a culture and development of the citizens of the Republic which shall be stimulated by the national idea, controlled by it, if need be, and at all hazards by it guaranteed and made sure.

The responsibilities which rest upon us, placed as we are in the forefront of the struggle of the ages, with the bannered hopes of the race in one hand, and the sword of liberty, by whose sharp edge alone they can be realized, in the other, are not to be sneered at; as they were unsought, so they are not to be evaded, and as God liveth they shall be discharged. The common schools of this country are the recruiting ground and the disciplinary camp of the great armies of civilization, and freedom, and progress, whose victories have been and shall continue to be still more renowned than those of war.

Lycurgus resolved all legislation into the proper education of youth. To so shape the laws and institutions of a country as to perfect the citizen, is to make the restraint of statutes unnecessary. Teach the individual man the full extent and just limitation of his own rights, imbue him with the desire to perform his duties to others and to the State, cultivate within his breast the love of country and intelligent recognition of the Deity who creates, controls, and blesses all, and society would go alone.

This should be the great end of the law-giver. Educate the rising generation mentally, morally, physically, just as it should be done, and this Nation and this world would reach the millennium within one hundred years. But such education is now impossible.

Who is to instruct? The teachers are but as children yet, and although the fields are white unto the harvest, the laborers are few. Nothing is so important as the education of youth, but not one dollar is expended for that use, where ten are imperatively required; and it is still a debated question whether the Nation shall be taxed to save its own child, when in no other way can itself be saved. It doth not yet appear what we shall be; but no pause can be permitted in effort without deterioration, and the increasing millions constantly cry more, more, give, give, and the cry must be heeded, or even the low standard of to-day will sink to a still lower and more dangerous level.

But as we look abroad, we behold the human race astir. We are no longer the exclusive custodians of the elements of progress; we are even now in sharp competition with European nations for rank, as an intelligent people.

The emigration which comes over the Atlantic is not the same grade of human being who came one-fourth of a century ago. Ireland is being educated; so is the whole population of the British Isles, and, save Russia and Turkey, this is true of the Continent.

We are not much longer to compete industrially with the sodden brain and clumsy finger of an unlettered peasantry; but with two hundred millions of producers, whose quickened powers of mind and body, combined with lower wages, will compel our relative advancement, in order to maintain our superiority, or drive us to the increase of our already onerous tariffs, in order to maintain our own industries and give employment and bread to our own people.

When we look abroad to the harvests of the commercial world, we find ourselves already,

save in the realm of sentiment, of no more consequence than any fourth-rate grower. While Asia, Africa, and the islands of the sea are stretching out their hands for civilized interchange, and are developing markets which within fifty years will double the consumption of all articles which the skill of advanced civilization pours into the lap of barbarism, and of increasing culture *en route* to the enlightened state, we have small part in the matter now, and prospectively none at all, unless we arouse ourselves to the absolute necessity of the culture of our present and fast increasing population throughout our continental domain. We have no ships, and our flag is a tradition on the sea; it is as rare in the marts of mankind as the pelican of the wilderness in Broadway, New York.

Great Britain learned the secret of power from the defeat which gave us independence one century ago. Since then she has not lost a province; she has annexed the world. How? Instructed in policy by our success, she has established her colonies on every vacant lot of the globe; she has tied her cables to the commerce of every clime, and her strong fleets of peaceful ships, convoyed by her warlike marine, are steaming for the coffers of London with the wealth of all nations, and especially of those among whom are to be found the profitable markets of future times.

Wherever among these upheaving populations she sends her ships she carries her institutions and her laws. Her colonies remain, and she has learned so to foster and govern, that now they never rebel, but develop into powerful allies, and her morning drum-beat, which "encircles the globe," stirs the tides of patriotic devotion in the heart of every listener; and so it is that she can now precipitate millions of armed men upon any hostile power, whether she calls them from the dusky but valiant millions of Hindostan, from the hardy recruits who face us all along our northern line, or from

Australia and the islands of the sea. Great Britain is located everywhere. She has learned that if she cultivates the individual citizen, and rules in harmony with the impulses of the human soul, that her empire will be without end—except it be the end of the world.

Hence, her statesmen, after forty years of study, enacted the laws of 1870, which mark as absolute, and a far more important land-mark in the policy of that power as the free-trade policy of 1848. Great Britain is aiming to compel the education of every child covered by the jurisdiction of her flag at home or abroad, and to provide, or lead her colonies to provide, the means to fully carry out that policy. Within twenty-five years, unless we advance, we shall be far behind the English-speaking race in any other part of the earth.

What does this mean for us? Not merely humiliation and the half-masting of our banners—that we have already learned how to do, and to rest quietly under it. But it will hurt our pockets. It will make us relatively poor. Wherever there is more intelligence there will be greater skill, and we shall become another Brazil to preserve the balance of stupidity on the Western Hemisphere. What is true of the new policy of Great Britain and of its consequences to us is also true of most other European nations. I would emphasize this aspect of the subject of education. Its importance to us cannot be over-estimated. To mankind at large it means the millennium.

I wish now to call attention to the actual condition of the American people as revealed by the most authentic evidence. Fortunately the returns of the census of 1880 are so fully compiled that, through the labors of the Bureau of Census and of the Commissioner of Education, the most important data has been tabulated, and I am able to give the country the cold steel of reliable statistics. These are more eloquent than any other possible statement, and

demand the profoundest study of every citizen of the land.

But this should be remembered: It by no means follows that the person who can read and write is therefore qualified to discharge his duty as a sovereign. The line of lowest qualification has been fixed as by common consent, in the preparation of official data, at that level, but the suffrage itself is universal to males in nearly every State.

We recognize the right to govern himself as a part of the inalienable heritage of every man, regardless of literary attainments. But the capacity to read and to write is so obviously necessary to the proper exercise of this inherent right that, as a rule, we instinctively demand of every citizen that he shall possess himself of this power, and we demand of society that the opportunity to do so shall be provided at the public charge. True, that the history of the human race has been largely wrought by unlettered men, and there be many educated fools, while many a philosopher and natural leader cannot read.

But I would remind those who judge hopefully of our condition, because a majority of our people can read and write, that of those who have the power, a large proportion possess it very imperfectly, and almost never exercise it. Of those who can write multitudes do not place a sentence on paper twice in a life-time. Thousands never get an idea from the printed page. The qualification is but nominal, and suffices merely to accomplish the ordinary business of life, under the careful supervision of others, and is not really the source of knowledge and the means of interchange of thought. So that the figures of every census are far more favorable than the facts, as to the real mental condition of the people. This consideration should never be lost sight of in the study of the problem before us, which is, How shall we qualify every citizen to best perform his part? How shall the whole people be lifted to the

high level where subjects are unknown, and where equality and sovereignty are convertible terms?

The population of the United States in 1860 was thirty-one and one-half millions. In 1870, thirty-eight and one-half millions. In 1880, 50,000,000. In 1890 it will be at least 70,000,000. It is to-day, nearly 52,000,000. So it must be remembered all the while, that even the tremendous numbers and alarming conditions revealed in the following returns, are constantly expanding in their gigantic proportions and overwhelming gravity.

It is the rule to estimate one voter for every five persons in the community, which makes the voting population of the country 10,000,000 in 1880. The total number over twenty-one years of age, who cannot write, is 4,204,363, of whom 2,056,463 are whites and 2,147,900 are colored, including about 300,000 Indians and 100,000 Asiatics. Assuming one-half of these to be females, and therefore to have no souls, and not only to be without, but to be unfit to exercise the suffrage, and making allowance for the unnaturalized citizens, there will remain 2,000,000 of illiterate voters, about equally divided between the white and colored races. One voter in five cannot write his name. He casts a ballot whose contents are to him unknown, except from hearsay. He cannot tell the Constitution of his country from the code of Draco. He is the prey of the demagogue or the victim of prejudice, but he holds the balance of power in almost every State, and in the Nation at large.

The illiterate voters of Maine, New Hampshire, Massachusetts, and Connecticut, of New York, New Jersey, Pennsylvania, Ohio, in short in every Middle, Southern, and most of the Western States, have power, if combined, to decide any political issue that is now, or for years is likely to be, pending between political parties. They represent ten of our fifty millions of people.

The total population of the country by the census of 1880 is 50,155,783, of this there is a school population of 15,303,535, of whom 9,780,773 are enrolled in the public schools, 567,160 in private schools, with an average attendance in the public schools of 5,804,993. The average attendance in private schools is not known.

The different school ages in different States and Territories upon which the return of school population is based, indicates that the whole number of the children who are of suitable age to receive instruction is much more than 15,303,535. In Texas, for instance, the school period is from eight to fourteen years, and her total is only 230,527, while her population is 1,591,749. In Tennessee, where the school period is from six to twenty-one, a much preferable rule, and the whole population is 1,542,359, the school population 544,862, or two and one-third times that of Texas, although there can be no doubt that families are quite as large in the latter as in the former State. Besides this, and taking into account the increase since the census from natural causes, and from immigration, I believe it to be a low estimate which places the whole school population of the country at 18,000,000.

While I know of no reason to believe that the number of pupils who actually receive instruction has been essentially increased, expenditure certainly has not been increased to any great extent, while in some States since 1870 it has fallen off. We are, then, now charged with the education of eighteen millions children and youth who in less than ten years will be the Nation. Of these ten and one-half millions are enrolled in public and private schools, and six millions is the average attendance, while seven and one-half millions, or five-twelfths of the whole, are growing up in absolute ignorance of the English alphabet. This seems incredible, but these are the figures. They ought not to lie, for we have paid for accuracy and com-

pleteness. At this rate, before another census we shall have passed the line, and there will be more children in this country out of the schools than in them, and before half a century ignorance and its consequences will unquestionably have overthrown the Republic. We have reached the crisis of our fate. The education of the people is the most important issue before the country, and it must remain so for years to come.

These eighty-six cities contain 8,300,081 inhabitants, or nearly one-sixth of the total population of the country. As a rule the school facilities are better in the cities than in the rural portions of the country, and these great centers of influence are supposed to more immediately influence the course of affairs. And as we are constantly pointing pathetically at the unfortunate South, so we of the all-wise, all-perfect, all-conquering North may well study the condition of our cities, which are as great a source of danger as the ignorant rural population of the South.

These cities contain an aggregate school population of 2,052,923, of whom 1,302,776, or three-fifths, are enrolled; that is, are more or less instructed during the school year, while only 858,533, or two-fifths, fully avail themselves of the advantages provided, and more than one-third never enter the school-room at all. Some of these may attend private schools, but not a large proportion, for the whole number of pupils in private schools of the 15,303,535 in the country is only 567,160.

The average attendance is about two-thirds of the enrollment, or one-third of the whole number who should attend.

In thirty-four of these cities from 50 to 82 per cent. of the children are not enrolled at all; that is, they will never know how to read or write.

Now York has a school population of 385,000, of whom 270,000 are enrolled, 114,000 are not enrolled at all, and the average attendance is but 132,000.

The average attendance in Cincinnati is 27,000, less than one-third the whole number, while 51,000 are not enrolled at all. It does not relieve this dark picture to say that these must be in private schools, for out of the school population of the entire State, numbering 1,043,320, only 28,550 are in private schools. Of these, probably not more than 10,000 can be found in Cincinnati. There are more than 40,000 children in that great city to-day who are growing up in ignorance as dense as that of the jungles of Africa, while they are subjected to the influence of the sharpened culture of civilized vice. Yet Cincinnati is one of the best of our great cities, and Ohio is a model State.

Chicago enrolls less than half—forty-three per cent.—of her children in the public schools; less than one-third are habitually in school; 77,473, or fifty-seven per cent., never attend at all. Very few of these receive instruction in private schools.

St. Louis has a school population of 106,000; 55,000 are enrolled; 36,000 is the average attendance; 50,000 are growing up in the savage state aggravated by those capacities for proficiency in evil which come from contact with civilized depravity.

Milwaukee has 38,000 children of school age; the average attendance is 11,000; 20,000 or fifty-five per cent., are not even enrolled, and all, or nearly all, of these might as well have been born in a heathen as in a civilized country so far as schools are concerned.

Wilmington, North Carolina, has an enrollment of 866, or eighteen per cent., while eighty-two per cent. of the children of that city would appear to be without means of public education.

New Orleans has a school population of 57,000. The average attendance is 15,000, while 39,000 have no school advantages. The whole State of Louisiana has but 4,404 pupils in private schools.

But it is useless to specify these deadly instances. The cities of our country have been

our pride. Behold the awful record. The revelations of the census ought to overwhelm us with shame and stimulate every power of the national intellect and command every dollar in the Treasury, or within the reach of the taxing power, to provide a remedy equal to the terrible disease.

Five millions of our people over ten years of age cannot read; 6,250,000 cannot write. In eighteen States, including two Territories, more than thirteen per cent., and in eleven more than twenty-five per cent. cannot write. In fifteen States and Territories more than eleven per cent. of the white population over ten years of age cannot write, varying in these from eleven to forty-five per cent. Illiteracy among the colored population varies from thirteen to seventy per cent. The percentages of illiteracy among whites vary in different subdivisions from less than two per cent. in Wyoming, where it is the least, to over forty-five per cent. in New Mexico, where it is largest.

The Nation is a whole. As such it must act; as such it is to be saved or lost. In this battle for its life the whole line must be maintained and advanced. Reinforcements must be sent to the weakest parts. Because they are the weakest is the reason that help is wanted. If they were strong no reinforcements would be needed. Nor does it change the duty and necessity even if there be forces unless they fight. They must still be aroused to duty, for the work must be done. The evil is the same whether the battle be lost for one cause or for another. But in this struggle I believe there is as great danger to the future of the country from the Northern cities as from the Southern States.

In both help is imperatively needed, and it must be given where it is most needed, and that immediately. The only reasonable test is, for the present at least that of illiteracy and not of population. As a permanent rule after conditions are once equalized the latter will be the more just. But once thoroughly educated

it is to be hoped that the several States will take care of themselves. To deny them aid in the present emergency is as though a general should march his reserves to the support of his unassailed positions, leaving his already broken lines to take care of themselves. Such a commander would find it difficult to excuse himself by saying that the articles of war required every soldier to do his duty or every division and corps to defeat the enemy. It is as a whole that battles are lost or won, and that nations are lost or saved.

It may be conceded that every State and Territory should educate its children, so far as it has the power, but when that fails, upon the same principle that individual citizens pay taxes for the common good according to their ability to pay, and not their personal needs for protection, or the number of their children or dependents, must the whole people see to the provision of whatever funds are required for general education, where otherwise taxation to any locality would become unduly oppressive.

It is proper to observe that in the rebel States, where slavery existed in 1860, the valuation then aggregated \$2,289,029,642, of which \$842,927,400 was in slaves, and proper allowance must be made for this fact in estimating present power to bear taxation. The negroes were then taxed; they were productive as property. Now they require to be educated; then education would have destroyed them as property. They are now doing little more as a totality than to support themselves. Their taxable property is thus far very slight. It has been stated as a matter of pride on this floor that in Georgia colored people are taxed for \$6,000,000 of property. The assessed valuation of Georgia is by the last census \$239,472,559. What, then, must be the general poverty of the colored people of Georgia, even when of her total population, which is 1,542,180, 725,274 have accumulated \$6,000,000, or eight dollars each, of taxable property. And if these things be so in Georgia,

what must be the destitution of the colored race elsewhere throughout the South, and how idle to talk of their educating themselves.

During these twenty years population has increased in every State and Territory. With the exception of New Hampshire, where the increase is six, and Vermont, where it is five, and in Maine, where the increase is three per cent., nowhere has it been less than thirty-one per cent., and as a rule it has been enormous. The South has more than held her own with the older States, and the negro, despite everything, has raised his numbers to almost 7,000,000. They are a permanent factor in the destiny of America. They are here to stay.

While the population of the whole country has increased sixty per cent. the valuation has risen but 40 per cent. In Alabama the valuation is seventy-two per cent. less than in 1860, while the population is thirty-one per cent. greater. In Arkansas population nearly doubled, while sources of taxation have fallen off more than one-half. The same is true of Florida. In Mississippi population has increased nearly one-half, and wealth has decreased more than three-fourths, and generally throughout the South the same tendency is apparent.

As I have explained above, the negro is not now a tax-paying element to the extent he was before the war. He lived there and was a source of profit to his master. Now he lives and multiplies, but both he and his master seem to be growing thus far poor together.

I speak now of the general fact, and I believe that this state of things is but temporary. It will, however, become permanent unless the proper remedy of increased intelligence and well-directed industry is applied. And to this end the means must come largely from without, for they do not exist within these States. In Kentucky and Delaware the negro child is educated only from the taxation of his own race. As a rule he can have no school at all unless from charity.

The Southern States, seventeen in number, including the District of Columbia, are usually classed together as a section of the country requiring special help. Of all but Maryland, Missouri, and the District of Columbia, this is true.

Excluding the States of Maryland and Missouri, and the District of Columbia, and the total yearly expenditure for both races is only \$7,339,932, while in the whole country the annual expenditure is, from taxation \$70,341,435, and from school funds \$6,580,632, or a total of \$76,922,067, or one-tenth of the whole, while they contain one-fifth of the school population. The causes which have produced this state of things in the Southern States are far less important than the facts themselves as they now exist. To find a remedy, and to apply it, is the only duty which devolves upon us. Without universal education, not only will the late war prove to be a failure, but the abolition of slavery be proved to be a tremendous disaster, if not a crime.

The country was held together by the strong and bloody embrace of war, but that which the Nation might, and did do, to retain the integrity of its territory and of its laws, by the expenditure of brute force, will all be lost if for the subjection of seven millions of men by the statutes of the States, is to be substituted the thralldom of ignorance and the tyranny of an irresponsible suffrage. Secession, and a confederacy founded upon slavery as its chief corner-stone, would be better than the future of the Southern States—better for both races, too—if the nation is to permit one-third, and that the fairest portion of its domain, to become the spawning ground of ignorance, vice, anarchy, and of every crime. The nation, as such, abolished slavery as a legal institution; but ignorance is slavery, and no matter what is written in your constitutions and your laws, slavery will continue until intelligence, handmaid of liberty, shall have illuminated the whole land with the light of her smile.



Before the war the Southern States were aristocracies, highly educated, and disciplined in the science of politics. Hence they preserved order and flourished at home, while they imposed their will upon the nation at large. Now all is changed. The suffrage is universal and that means universal ruin unless the capacity to use it intelligently is created by universal education. Until the Republican constitutions, framed in accordance with the Congressional reconstruction which supplanted the governments initiated by President Johnson, common school systems, like universal suffrage, were unknown. Hence in a special manner the Nation is responsible for the existence and support of those systems as well as for the order of things which made them necessary. That remarkable progress has been made under their influence is true, and that the common school is fast becoming as dear to the masses of the people at the South as elsewhere is also evident.

The Nation, through the Freedmen's Bureau, and perhaps to a limited extent in other ways, has expended five millions of dollars for the education of the negroes and refugees in the earlier days of reconstruction, while religious charities have founded many special schools, which have thus far cost some ten millions more. The Peabody fund has distilled the dews of heaven all over the South; but heavy rains are needed; without them every green thing must wither away.

This work belongs to the Nation. It is a part of the war. We have the Southern people as patriotic allies now. We are one; so shall we be forever. But both North and South have a fiercer and more doubtful fight with the forces of ignorance than they waged with each other during the bloody years which chastened the opening life of this generation.

I think it is clear that the Nation has the power, which implies the duty of its exercise when necessary, to educate the children who

are to become its citizens; and that the urgent demand for its aid at the present time has been demonstrated. I desire to still further detain the Senate with suggestions in regard to the methods which are, in my judgment, proper to be pursued by the general government in the present emergency.

Your Committee upon Education and Labor has reported two bills making provisions to aid the common schools of the country, and of both I heartily approve.

The first is a measure which has been pending for several years, proposing the creation of a perpetual fund, to be composed of the accretions to the Treasury from annual sales of public lands, railroad revenues, and other sources, the interest of which shall be distributed to the States, at first upon the basis of illiteracy, afterward according to population, one-third to be appropriated to the support of the agricultural colleges, and the remainder of such interest to the common schools. This sum would be small at first, but would rapidly increase, and such a fund would in time become a mighty agency for good, a perpetual fountain of blessing, and a bond of union so long as the country shall endure. The conception is sublime, and every effort should be made to secure the enactment of this measure into law during the present session; certainly during this Congress.

It is proposed to surrender the management of the income from this fund to the States, subject to forfeiture of subsequent installments in case of abuse or maladministration. This is probably a sufficient safeguard, although I would prefer that national funds be expended originally with the approval of some national officer or agency. The provisions of this bill have been the subject of much careful study by wise men for many years, and it is not probable that any substantial improvement can be suggested to this bill, providing a perpetual fund; certainly not until the light of experience shall have been

turned upon its practical operation, when further legislation can be had, if necessary. I believe it to be wise to pass this bill as it is, and at once.

But for immediate use more money must be provided. Temporarily, many millions from the national treasury are imperatively demanded by every consideration of national honor and of the public welfare. A generation is educated in the common schools (if at all) every five years. If the next two generations of children could be educated properly, the country would then be in the hands of intelligence instead of ignorance, and no community, once enlightened, will ever permit itself afterward to retrograde. Intelligent self-interest will support the schools in self-defense, and, once elevated to the proper standard, every locality will maintain itself without much, if any, extraneous aid being required. Besides, if we could bridge the chasm of the next ten years, the proposed fund to be accumulated from the public lands and other sources would have become important, and would furnish all the assistance which might thereafter be demanded in addition to local taxation.

Whatever is done by the Nation now should be directed where it will do the most good. Illiteracy is the disease, and the remedy must be given accordingly. Until the standard of knowledge is brought up to a reasonable level everywhere, implying capacity to discharge the duties of sovereignty and citizenship, the Nation must, or at least should, in common prudence, distribute its money upon the basis of comparative ignorance.

The safety of each State, however intelligent, is as much endangered by the ignorance of any other as is the illiterate State herself. Such is the complication and independence of our political, and even of our industrial affairs, that all great national issues and questions of policy are really decided by the small majorities which are liable to be found in any State. The inter-

ests of Massachusetts, so far as they are affected by national relations, are as likely to be decided by the vote of South Carolina or California as by her own. She has no interest, then, save that the money taken from the Treasury in support of education should go where there is the greatest need of schools. Thus the reason for distribution according to either wealth or population fails.

As to the amount which is necessary, great diversity of opinion prevails among those who desire the extension of aid by the government. The bill introduced by the honorable Senator from Illinois [Mr. Logan] proposes to set apart the tax upon intoxicating liquors—now about seventy millions of dollars, and likely to remain at that sum or to increase hereafter—until such time as the conscience and common sense of the people abolish both whisky and the tax upon it together. That day will come. He proposes to distribute to the States according to population. The House committee has reported a bill appropriating ten millions yearly for five years next ensuing, to be distributed to the States according to illiteracy.

I have had the honor to introduce a bill (Senate bill 151) appropriating fifteen millions of dollars the first year, fourteen millions the second year, and afterward a sum diminishing one million yearly, until there shall have been ten annual distributions, the last of which would be six millions—it being thought probable that State systems could by that time maintain themselves, or that from the perpetual-fund bill, should that fortunately become a law, all the aid necessary could thereafter be derived. This bill has been reported by the Senate Committee on Education and Labor, with its unanimous support, so far as the amount appropriated is concerned. I believe that to give a larger sum, would induce the people of the States where most of it would be expended, to depend too largely upon the national Treasury for the support of their

schools, and the result would be waste and inefficiency.

The community must pay to the extent of its ability, or it will lose interest in its schools, and its children will not be properly educated, no matter how much money may be received, the burden of raising which the people do not feel. Besides, it will be difficult for those portions of the country which are comparatively unused to the practical administration of school systems, at once, economically and profitably, to absorb the full amount which is really needed, and which will be required as greater accommodations, competent teachers in sufficient numbers and larger attendance of pupils are secured. The proportion of \$15,000,000 which this bill would give to the Southern States, would prolong their existing schools for at least three months with present accommodations and teachers, and, in addition, would secure the extension of the school system to such districts and children as are now absolutely without the pale of any educational privileges whatever. In my belief, no less sum can possibly do this.

The measures before the country, with the exception of this, (Senate bill No. 151,) propose to turn the funds over absolutely to the several State and Territorial governments, endeavoring to secure honest and wise application by declaration of forfeiture or suspension of installments of years succeeding by action of the Commissioner of Education or of the Secretary of the Interior, unless relief be afforded by Congress.

I have thought, and still believe, that such supervision is objectionable, for very strong reasons—reasons far less important to the Nation than to the States. Such a system will, in my judgment, be liable to abuse in many ways, and I think it would be even better to give the money outright, and call for no account whatever of the manner in which the State discharges its trust.

To suspend the annual payment in any case after the schools shall have been developed and

shall have become dependent upon the national aid for existence, as they will be for some years, would almost destroy them for the time being. It would create such confusion and ill-will between the government and the people of the State concerned as would go far to neutralize any good results from the appropriation itself. It is not difficult to see how complaints, and even abuses, could be established by newspaper reports, affidavits, and partisan proofs; nor how desirable opposing political parties might deem such controversies when important elections were pending. Sectional animosities, now so happily disappearing, could be easily aroused again if that part of the country paying most of the money and receiving least from its benefits should be made to believe that this school money was misappropriated to political or personal ends by the section paying least and receiving most.

Accusations would almost necessarily result in suspension for investigation, which could not fail to be prolonged, either before the Commissioner, the Secretary, or Congress, and result in ruin of the schools. The penalty would come home upon the children every time; nobody else would suffer at all. The consequence would be, in my opinion, either no practical supervision of this enormous national expenditure at all, which could not be justified, or the evil consequences I have suggested would follow, and other objections might with propriety be raised. I believe that there is no rational or practicable form of supervision which does not precede or accompany the expenditure itself.

I therefore have thought that a Federal officer should be charged, jointly with State authority, in the application of these funds to the education of the child who is to be qualified by the State and Nation to become a citizen of both.

I cannot divest myself of the feeling that Congress is bound to supervise the actual use of the public money. It should no more put

the national Treasury under the State governments, than it should put the Army under the command of the governor of that State which might chance to be the theater of public war. The education of the child is the duty of the Nation as well as of the State. It is no discharge of its duty to give money, and then, if it is wasted, to say, "Now the children shall go ignorant, because the State has failed to properly use the money to the application of which we should have attended ourselves."

It is no answer to say that the State authorities will properly apply these funds. All believe they would, but who knows it? There will be many who will doubt it, and many more who will say they doubt it who do not. I am apprehensive that there will be great complaint and bitterness arising, if this appropriation for national aid is turned wholly over to the States, with only a *post mortem* supervision retained to be enforced by the subsequent slaughter of the innocents who attend the schools, the destruction of which is the remedy proposed for dereliction on the part of the authorities of the State.

I believe that the appointment of a Federal agent or superintendent of the administration of the fund therein, to be a citizen of, identified with, and interested for the people of the State for which he is appointed, who, in conjunction with the State superintendent, should arrange the distribution of the money in the first instance, would be the proper form of supervision.

No citizen of a State, although holding a Federal appointment, could afford to exclude money from the schools of his State for capricious or improper reasons. Should he do so, popular indignation would soon drive him out of his State and his office too. No improper person would be likely to be nominated by the President or confirmed by the Senate. So high a trust would require the most eminent qualities, and the selection would be from the class

of men whose lives, being devoted to the education and amelioration of their race, would be certain to discharge their duties in harmonious co-operation with like associates—such men as now are the superintendents of the States.

The question of salaries is not important, for in no possible way can this supervision be effected by the employment of a smaller force than a single officer for a State. If it is left to the central power at Washington, the force of clerks must be increased or there can be no practical supervision at all. A local agent acquainted in his State is by far the best. Traveling investigators like the pension experts will hardly do; but without a local officer secret agents and department detectives will certainly do the work, if it is done at all, and at far greater cost.

In the bill which I have had the honor to submit to the Senate—No. 151—I have endeavored to provide for the administration of the fund by the concurring action of the State and national authorities, each having a negative upon the other and both alike interested to secure one common end—the most judicious application of the money. The State as well as the national official who should exclude large sums of money from the people among whom he would reside for frivolous or unworthy reasons would soon disappear from the scene in the hot breath of public indignation. The State and Federal authorities are intermingled throughout the country. Upon many questions they have concurring powers. Neither should be jealous of the other, and it would be strange if the Nation and State could not agree in the use of the money which the former undertakes to give to their common child.

If, however, it should be thought best to constitute a board, consisting in each State of the Governor, the State Superintendent of Public Schools, and a Representative of the national government, it might still give the essential supervision, and at the same time avoid all

danger of conflict in administration. But, unless the general government has something to say, or at least the power to know what is to be done with its money before it is used, colored children will have a poor chance in States which compel them to rely for education upon the taxation of their own poverty-stricken race.

The tax-payers of the country will be, and will have a right to be, anxious to know from a responsible officer of their own the details of so large expenditure, and it will conduce to harmonious administration if the money is paid out with the approval of such an officer; and when it is once paid there should be no power to destroy the schools of subsequent years as a penalty for real or supposed mistakes or wrongs. Officers should be held to rigid personal responsibility as in other cases, but children of a whole State should not be selected as the victims of their faults.

The Peabody fund, which has been productive of so much good in every Southern State, is administered practically by one man, and he wholly independent of State control.

He discharges his high trust in a manner which elicits universal admiration and gratitude, but he carefully determines in advance, and overlooks the application of every dollar.

It is hardly reasonable for the Nation to apply millions without any voice in the actual expenditure of a cent. It is not business. There may be a gushing confidence in advance, but there are certain principles in human nature which are still active in all parts of this country, and it will be better for all concerned if the utmost care be exercised to place the expenditure of the public money, during a long series of years, for even so worthy a purpose as public education, under the restraint of that prudent supervision which obtains in other affairs. To avoid all possible occasion for controversy, and especially to avoid all questions between States,

and the Department, and Congress, is, to my mind, almost imperatively important; and if the government has a voice in the original expenditure, it will be concluded as against the State. It can then only hold its official responsible, as in other cases of maladministration.

In the bill reported by the Senate committee (S. No. 151) provision is made for the disposition of the share of those States which may not desire its general distribution, when by reason of the efficiency of their schools national aid is not required; for the establishment of schools where none now exist, until every child in the country has his fair chance in the race of life, so far as a common-school education can give it; for the more efficient training of youth in the Territories, in some of which the condition is most deplorable, involving direct and most serious responsibility of the national government, which is bound to properly care for these future States, comprising one-third of our entire domain; for limited appropriations to provide efficient teachers, temporary accommodations, when it shall be indispensable, with books, apparatus, and the like, but only so far as may be absolutely required, in order that instruction to the child, to whom a single year is of the utmost importance, may not fail for payment of the money to the persons entitled to receive it upon proper vouchers, and various details for which reference must be had to the bill itself.

These features will require more minute examination in future discussions.

But whatever form of administration of the funds it shall be deemed wisest to adopt, the appropriation should be immediately made. If it passes this session we shall have lost a year. To have lost a day was deemed a calamity by one of the noblest of men. Who can measure the wrong of one lost year, of one full year of further delay, to grapple with the wide-wasting and increasing evils of ignorance among our whole people? It would be better to appropriate injudiciously rather than not at all.

The vast sums expended for three hundred thousand Indians, for rivers and harbors, for improvement of the banks of the Mississippi river, for an army which ignorance chiefly makes necessary, for a navy which is safe only in the docks, and the one hundred millions of pensions annually paid because there were no common schools in the South, such as this bill seeks to build up, and the general profuseness of expenditure which applies to the management of our affairs, are a sufficient exposure of the hollow pretence that we cannot spare a few millions yearly to rescue our institutions from the imminent peril which threatens them.

Taxation rests almost wholly upon our luxuries and our vices. Yet it is proposed to give them still further license by reducing taxes while we are ruined for the want of schools. We consume every year seven hundred millions of alcoholic beverages. The

interest upon the money paid in one year for alcohol and tobacco by the American people, if judiciously invested, would relieve them from all taxation for the support of common schools hereafter, at present rate of expenditure. We are liberal in self-indulgence. We are economical in self-denial even for our good. But parsimony to the schools is death to the Republic.

We may postpone the remedy, but the evil will increase. The issue cannot be evaded. Common school education must become universal or the form of our government must be changed. I believe that the next ten years will decide the question.

National aid to schools is indispensable to the national existence; national aid to common schools should be given liberally, given now, and applied where most required. This done, the Republic will be perpetual.








ZEBULON B. VANCE

ENGRAVED FOR GRAYSON AND GRAYSON, FAIRBANKS, PALMER & CO. PUBLISHERS



## ZEBULON B. VANCE.

EBULON B. VANCE, was born in Buncombe county, North Carolina, on the 13th of May, 1830. At thirteen years of age he entered Washington College, Tennessee, where he spent two years in careful study. He was then compelled to return home on account of his father's death. He afterwards spent one year in Ashville Academy, and one in the University of North Carolina, and then applied himself to the study of law. He was admitted to the bar in 1852, and was soon afterwards elected County Attorney in his native county. He took a lively interest in the politics of his county and State, and advanced rapidly in popularity and influence.

In 1854 he was elected a member of the lower branch of the State Legislature, and in 1856 he was chosen to represent his district in Congress. He served four years in the National Legislature, and then went with his State on the breaking out of the Rebellion. He entered the Confederate army with the rank of Captain, in May, 1861, and was promoted to the rank of Colonel in August following, and assigned to the com-

mand of the twenty-sixth regiment of State troops. He participated in the battle of Newbern, and was actively engaged in the seven days' fighting before Richmond. His military career was short, as he was called to the important post of Governor of his State in August of 1862, and re-elected in 1864. He devoted all his energies to the success of the Confederate cause, and stood by it heroically to the last. After the close of the war, he turned his attention to the work of repairing his shattered fortunes, and again took a deep interest in the political affairs of the country, but particularly of the South.

In 1870 he was elected to the United States Senate, but, like so many others from his section in those days, he was not permitted to take his seat. Two years later he was again a candidate before the Legislature for the same position, but was defeated by a combination of the Republicans in the Legislature and the Democrats who favored the candidacy of A. S. Merrimon. In 1876 Mr. Vance was again elected Governor of North Carolina, and in 1879 he was a third time a candidate for Senatorial

honors; he was successful, and took his seat in the United States Senate, March 18, 1879. Mr. Vance is a close student

of public affairs, a careful legislator, and a man of magnetic ability as a public speaker.

### INTERNAL REVENUE TAXATION.

*Mr. Vance's Speech, delivered in the United States Senate, Aug. 3d, 1882.*

MR. PRESIDENT: Why not be honest about this thing? The baby, the progeny of the Republican caucus, is about to die, and the Senator from Massachusetts says that he congratulates the country. I have no doubt that that is true. I have no doubt he congratulates himself still more, for I am free to say that a more disreputable offspring never came to trouble a parent, than that bill. A more weak, and puny, and feeble, and lopsided concern, or one bearing more evidences of its legitimacy, never squalled in this wicked world, than the bill which came to the Senate from that caucus; and I have no doubt that the Senator from Kentucky, and anybody else who assists in the obsequies, will incur the everlasting gratitude of the Republican portion of this Chamber for putting that child out of this world, in which it was too poor, and too feeble, and too simple, ever to live and thrive.

What are the characteristics and attributes of this wonderful child, that was to be born for the healing of the taxed people in Israel? It takes off the tax from banks, bank capital, bank checks, bank deposits, patent medicines, perfumery, cosmetics, friction matches, and high, low, jack and the game. All those taxes are taken off by virtue of this man-child that was born in Israel for the relief of the oppressed people. No wonder it is taken away, even as the fig-tree casteth its untimely figs when shaken by the wind. It is about to die, and the

question now is somewhat resembling one of a more serious character that we have been discussing in this Chamber, and throughout the American Nation, with a big N, for some time past as to who shall be responsible for its death. If the responsibility for its death can be fastened on this side of the Chamber, the mourning of its afflicted parents will be like that of David of old, who grieved much while the child was sick, yet rose and dressed himself, and rejoiced when it was dead; his sorrow was over.

Mr. President, I am willing to take my share in this infanticide. I am opposed to any relief being extended to that suffering and meritorious class of people that I have enumerated just now, and who are affected by this bill, so long as the real suffering of the country is not abated one jot or tittle. So long as the tax-gatherer goes into the cabin of the poor man and demands a tax on the latch he enters; and walks up to the gourd that holds the widow's salt, and hangs by the chimney corner, and levies a tax of fifty-six per cent. upon the contents; and walks up to the couch where sickness languishes, and demands a tax upon the medicine to alleviate human suffering, and the spoon that holds it; so long as the farmer's trace-chains that pull the plow that gives bread to the world; so long as the weaver's shuttle is taxed; so long as the reaper's scythe is taxed; so long as the poor man's wool hat is taxed, and his blanket is taxed 100 per cent.; so long as the

necessaries, not only of life, but necessities of the poor man's life, are taxed in this way, I am willing to trample one hundred such babies in the dirt every morning, as an appetizer for my breakfast.

Do you want to give any relief to the American people? Then why mock the common sense of mankind in this way? Give us a total abolition of the internal revenue system. It is a remnant of the war. Wipe it all out and lay your duties upon the products that are imported into this country in such a manner that they will yield the necessary revenue. Wipe it all out and then your banks and bank-capital may go, then your patent medicines also may go.

I say for one, and I speak for myself, that I am not willing for this revenue system to be cut into in this way. I am not willing to make fish of one and fowl of another. I want to see it all go together. I am willing now to vote to abolish the whole system and let the vast army of Republican electioneers and campaigners, who travel through the South with pistols at their sides when a peaceable citizen is not allowed by law to carry a weapon, and who levy heavy burdens upon the people, and insult them, and ride over them, with privileges to invade their homes and violate their domestic privacy. I say that I am willing to see that whole crew cut off, not tinkered with in this way; I am willing to see it doctored as the Dutchman doctored his dog for killing sheep, when he said he cut off a small portion of his tail just behind the ears. I am willing to do that, but if it is

not done, then I am opposed to striking out the tax on a part of the articles that are embraced in the internal revenue laws.

As to whether I shall be held responsible for the death of this infant I confess my willingness to take my share of the responsibility. When this bill came to us on the heels of an eight months session, and when we are told that we are to take it just precisely as it suits the dominant party, and offer no amendments to it, we take the responsibility of defeating it. I say upon principle, if it was one of the best bills ever introduced here, I for one would not surrender my right to discuss it, and to offer amendments to it, and to perfect it according to my notions of what it should be.

I am willing to take all responsibility, but I do not think there will be any doubt about where the responsibility will rest, with all men who are outside of a lunatic asylum. It would seem to me, those who press this bill in this way and at this hour know that the opponents of the bill and those who are friends of the principle of the bill cannot afford to vote for it under the circumstances, and to have the gag-law applied in this way, I say I know that all persons who consider this thing will be justified in saying that this bill is a tub to the whale. It is a feeble and sickly attempt to meet the crying demand in this country for revenue reform, and it will be seen through as clearly as the tail of a comet which was once understood to be solid but is now understood to be nebulous.



## ISHAM G. HARRIS.

**I**SHAM G. HARRIS, was born near Tullahoma, Franklin county, Tennessee, in the year 1818, and is about 65 years of age.

His early years were spent upon a sterile farm. His father was unable to do for him in the way of an education all that he desired ; so, at the early age of fourteen, young Harris went forth, with his father's consent, to carve his own way in life. He had already received the rudiments of a fair English education, which was supplemented, a few years later, by a year's attendance at a well established academy. The first year after leaving home he served as a shop boy with a merchant in Paris, West Tennessee, at a salary of but sixty dollars. So diligent and faithful was he in his duties, that the second year he received three hundred and fifty dollars. The third year was spent in school, and the next he served as a clerk at a salary of five hundred dollars. He then, in partnership with an elder brother, went into business for himself. He located in Tippah county, Mississippi, where he conducted a branch house, and made money rapidly. The mercantile busi-

ness did not satisfy his ambition. He desired to enter the practice of the law, and studied hard, after the business of the day was completed, to fit himself for the bar. In 1841 he was admitted to practice, and returned to Paris, where he opened an office. On account of financial losses, he was obliged to return to the mercantile life for a couple of years, after which he devoted himself to the practice of his profession. In 1847 he was chosen to represent the counties of Henry, Weakley, and Obion, in the State Legislature, and the following year he ran as a candidate for Presidential Elector on the Democratic ticket, but was defeated with his party at the polls.

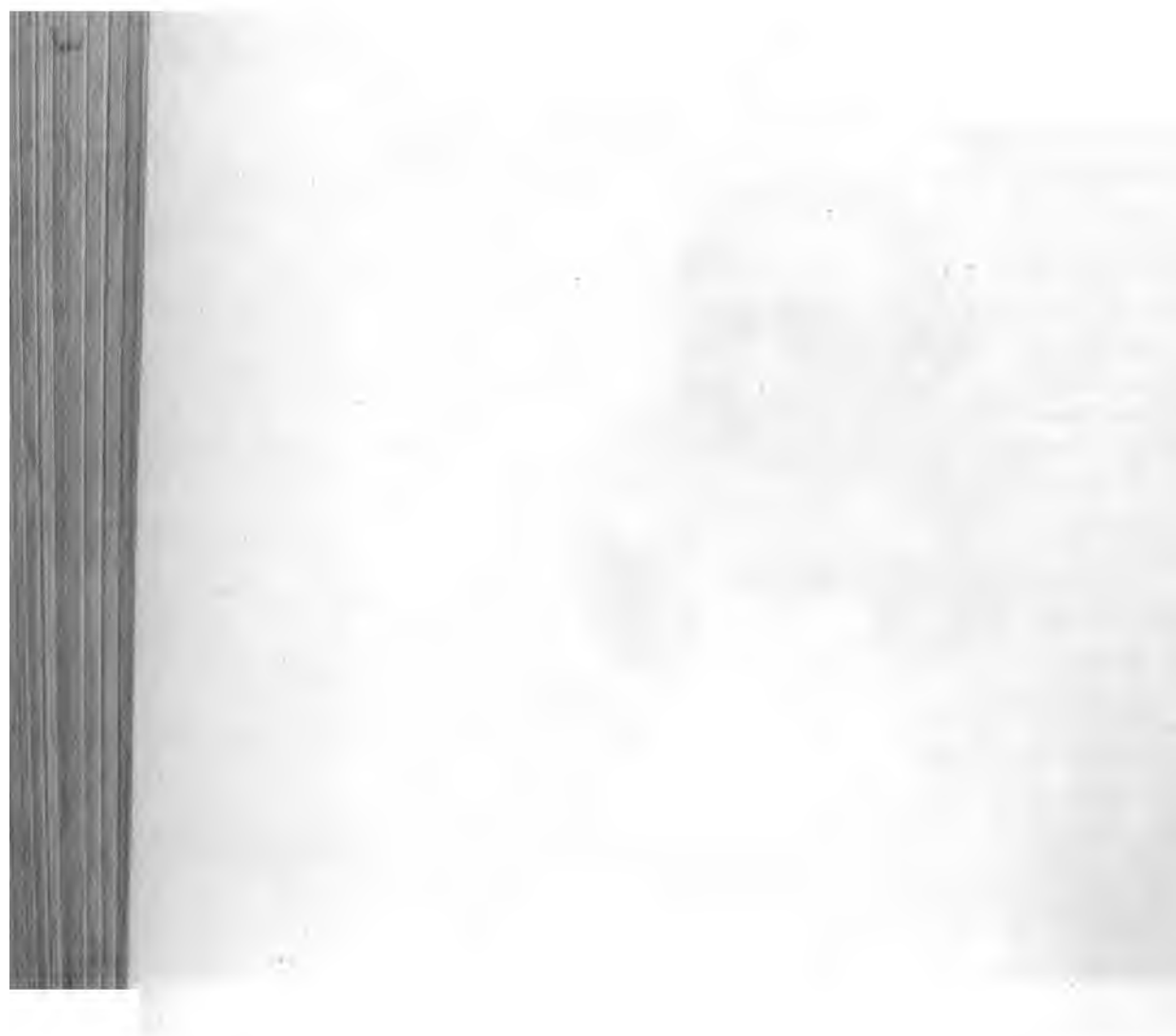
In 1849 he was chosen to represent the ninth Congressional district in Congress, and in 1851 was favored with a re-election. Declining to be a candidate again, he removed to Memphis, and devoted himself to his profession.

In 1856 he was elected as Presidential Elector-at-large on the Democratic ticket, and in 1857 he was nominated and elected Governor of the State, to which office he was twice re-elected. Mr. Harris is a southern man, and at the



ISHAM G. HARRIS

ENGRAVED BY J. H. MANNING, NEW YORK. FROM A PHOTOGRAPH BY J. H. MANNING.



breaking out of the war against the Union was a decided States rights advocate, and, in harmony with his views, linked his fortunes with the southern cause. He went as a volunteer on the staff of General Albert Sidney Johnston, who commanded the Confederate forces in the West, and when that accomplished officer fell on the field of Shiloh, it was Gov. Harris' arms that received him.

Mr. Harris remained in the army until the close of the war, when he crossed into Mexico, and after remaining there the greater part of two years, he went to England and spent one year. His heart was with his native State, and in 1867 he returned, and resumed the practice of

law in Memphis. When the war began he was a comparatively wealthy man; when it closed, he was impoverished. When he resumed practice in his old home he devoted himself strictly to business, and the repairing of his shattered fortunes.

In 1876 he was a candidate before the Legislature for United States Senator, and was elected. He took his seat in the Senate, March 5, 1877, and from the first took a leading part in the important deliberations of that body. In 1882 he was again honored with a re-election to the United States Senate, and is at present a prominent worker in that branch of the public service.

### NATIONAL BOARD OF HEALTH.

*Mr. Harris' Speech, delivered in the United States Senate, Aug. 5th, 1882.*

MR. PRESIDENT: I have no criticism to make upon the conferees of the Senate upon this bill. From the statements the various gentlemen have made, I must believe that they have done the best they could in conferring with the conferees of the House; yet, there is a feature in this bill, given up by the Senate conferees, that I cannot do justice to myself, without stating to the Senate, that their action thereon furnishes to my mind, a sufficient reason why I shall vote, now and hereafter, against concurring in any report based upon the principles that have controlled the conferees of the two houses.

Mr. President, there is a section of this coun-

try, which, unfortunately, is liable and subject to very fatal diseases. In 1878, to say nothing of prior years, there was a fatal contagion which settled upon the city in which my home was situated, and a number of towns and cities around me. According to the best estimates which have been made, not less than one hundred thousand of our people were stricken down from a condition of health to a bed of languishing and disease, and twenty thousand of our people were sent to their graves. According to the best estimate that a committee of this body in connection with a committee of the House of Representatives, upon a laborious research, and a careful investigation of the ques-

tion, could arrive at, not less than \$200,000,000 of the material wealth of the country, was sacrificed by reason of the epidemic of that year, to say nothing of the impaired health and the number of our people that were sent to premature graves.

In the winter of 1878-79, Congress passed an Act, creating what is known as the National Board of Health. The President nominated the civilians, and detailed the public officers, who, under the law, were to constitute that Board. I beg to say that, from an intercourse of three years with that Board, in point of ability, in point of purity of character, in point of reputation challenging public and private confidence, they are the equals of myself and others who have the honor of occupying seats upon this floor.

Under the Act of June 2, 1879, they established their rules and regulations, and undertook the work of enforcing them. They have given security, at all events they have commanded the confidence of the entire people of the Mississippi Valley, and, as I think, an overwhelming majority of the people of that valley think that they have given security to that valley from the fatal consequences of the importation of contagion, and spread of epidemic diseases that had decimated many of our towns and cities heretofore.

I beg to remind the Senate of the fact that, with the memories of the fatal consequences of that epidemic fresh in the minds of the two Houses of Congress, at my request and at random, for I had no data upon which I could make an estimate, I asked the Senate to appropriate \$500,000 to enable that body to execute its rules and regulations, as a means of preventing the importation of contagion from foreign countries, and from one State to another.

The Senate and the House of Representatives, with the fearful memories of the period of 1878 upon their minds, did not hesitate by a large majority to appropriate to the Board

\$500,000. The Board was organized; it proceeded to establish its rules and regulations and to execute them, and the average cost to the country for the first three years of its existence was about \$150,000. The \$500,000 appropriated has never been expended, and the operations of the Board have only cost the country about \$158,000 per annum.

For the present fiscal year I called the president of the executive committee and the secretary of that board before the committee of which I have the honor to be chairman. We carefully investigated; we reduced the estimates to a minimum, amounting in the aggregate, to about \$121,000 for the fiscal year. I introduced an amendment to the House bill in detail, specifying item by item, and the number of dollars it would cost to maintain the machinery and the organization of the National Board of Health, for the current year, and the sum that would be probably necessary to enable it to aid State and municipal boards in enforcing their rules and regulations, intended to prevent the importation of epidemic or contagious diseases into the country from foreign countries, or into one State from another. The Senate cut down the estimates I have named, and appropriated in the aggregate, about \$98,000. Upon that I hoped and believed the National Board of Health would be sustained, but in conference the Senate Committee have given away every single Senate amendment in respect to the National Board of Health, and in compensation for conceding and giving away each and every Senate amendment, upon that subject, they have got an additional appropriation of \$25,000 to aid State and municipal boards.

Now, Mr. President, I beg to suggest to our conferees that the \$25,000 is wholly worthless unless the other items of appropriation that I have asked for are granted. Unless they are given the organization must go down, it must be abandoned, and you will have no organization to determine when and where and how



this \$25,000 shall be applied. The whole organization must be abandoned, and the franker and the better method of dealing with the question, if that is the policy of the House and the policy of the Senate, would be to have stricken out the Senate amendments and adopt an amendment in lieu, abolishing and wiping out at once and forever the National Board of Health. It can not be maintained upon the appropriations granted by the House; it is utterly impossible, and the idea of attempting to cripple it and render it utterly powerless in this indirect way is what I utterly repudiate and object to.

I shall vote against concurring in the report of the committee of conference, because I want the Senate to insist upon the Senate amendments for the benefit of the National Board of Health, and if they cannot be maintained, then I ask them, as the representative of that board upon this floor, to incorporate in lieu of the Senate amendments a manly declaration that the board is abolished, and waste no money upon it. It is utterly absurd to make appropriations minced out in less than half the amount that is necessary to sustain the machinery of the board, and to enable it to perform the functions that the law imposes upon it, and to enable it to perform efficiently and well the duties that the country has a right to expect of it.

Many Senators have not seen in the cities of their homes what it has been my misfortune to see in the city in which I live, for long, weary, and sad months, at mid-day the whole city as silent as the grave, the pall of death hovering over a whole population, and when you walked down the main business thoroughfares at mid-day, where in other times you were wont to see every evidence of animation and business enterprise, not a single door that was not locked and barred of a business house, except the drug-store and the doctor's office, and not a sound to be heard to break the sad silence of the hour but the dull sound of the wheels of the hearse bearing to the tomb

the last victim, followed only by a single carriage, with one or two or three of the bereaved family, whose father, or mother, or daughter, or son, was being borne to the tomb. It has been my misfortune to sit for long and weary weeks running into months, and to look out of my window upon a sickened city that was as still as the silent home of the dead, with no sounds to break upon the ear except those that I have already indicated.

If it had been the fortune of other Senators to witness scenes like these, to feel as I have felt the utter misfortune that swept down upon the city of my home and the population with whom I was identified, and several surrounding cities and towns equally unfortunate at the same time, I do not believe there is a Senator upon the floor who would hesitate for one single moment, or stickle as between the pitiful sum of \$50,000 that it is proposed to give to maintain this board of health and the sum of \$125,000, or even \$500,000, if it is to be believed or hoped the action of that board shall even contribute in the smallest degree to the prevention of the introduction of the fell destroyer which has taken off so many of our people, and which in 1878 and 1879 produced that condition of affairs that absolutely paralyzed commerce, destroyed trade and business, excited and challenged the charity of the whole world, and during that dark period of our misfortune the whole civilized world poured into our lap their charities in sums aggregating hundreds and hundreds of thousands of dollars.

Mr. President, the mouth of the Mississippi River is the gateway to the valley of the Mississippi. It is a known fact that the yellow fever is raging to-day in Vera Cruz, at Havana, at Matanzas, and at other points in the West Indies and on the Gulf coast. I am perfectly satisfied from the most careful examination that I was capable of giving this subject for the last three years, that if we will, by our action, so regulate commerce as to prevent the importation into this

country of contagion, so far as yellow fever and cholera are concerned, we shall never have another case of either in this country as long as time lasts. Yellow fever, I am perfectly satisfied, is an exotic disease, not a disease indigenous to this country. It has been brought here invariably when we have had epidemics of the disease; and I believe the whole medical fraternity agree in the fact that cholera is not indigenous, and no case of cholera ever originated in this country.

Under the rules and regulations of the National Board of Health we have had no importation of either of these diseases for the last three years; and if the powers necessary are given to that board, with such, poor, pitiful sum as is necessary to maintain it, I have not the shadow of a doubt that it not only can, but it will, throughout the future prevent the importation from foreign countries into this country of these contagions, and prevent the importation from one State into another, if, perchance, they should by accident get into the country at all.

Why, Mr. President, let me refer the Senate to a single fact. In 1878 you had no National Board of Health. In 1879 we had an epidemic of yellow fever at New Orleans and Memphis, just after the organization of the National Board of Health, but before it had the machinery perfected and in full operation; but the Board of Health was organized, and immediately upon the appearance of yellow fever at New Orleans and Memphis the Board of Health took charge of it. It was absolutely confined to the city of Memphis, and not a case was allowed to escape that city, and it was trampled out absolutely in the city of New Orleans. Notwithstanding the raging of the epidemic at these two cities, commerce, under the regulations of the National Board of Health, enjoyed a freedom that resulted, according to the reports made at one single point—Cairo, Illinois—so that the tonnage from that point by river and rail to and

from the South, the infected regions, amounted to over 100,000,000 tons more than it did during the same period for 1878, when there was no National Board of Health in existence.

Now, sir, strike down the board, leave the whole country to rely, as they have had to rely throughout our whole history, till recently, upon municipal, State and local boards, and what will be the result? You cannot trust the local board of New Orleans, of Vicksburgh, of Memphis, or of any other place. There is not a local board of health to-day in existence in any State, town, city, or village, that is not in sympathy with and interested in the commerce of the town where it is located. Being in sympathy with the commercial men of the city, it will take risks, it will not announce the fact until absolutely forced to do so by the raging of an epidemic; it will not report a case of contagious disease; it will postpone the hour of recognizing, or of announcing to the public that there is a contagion, if there is an epidemic raging, until the epidemic announces itself.

The National Board has no such sympathy, it resides at a national point; and through its own agents it reports the facts just as they are.

I beg to remind the Senate of the fact that there is not a transportation company, by river or rail, throughout the South and West, that has not petitioned for the maintenance of this board, and giving it ample powers and ample appropriations to carry out its rules and regulations. Why? Because the whole country everywhere has confidence in the reports that the National Board makes. When the National Board of Health says there is no epidemic in New Orleans everybody is willing to trust himself on the steamer to New Orleans, and the trains to New Orleans are allowed to go scot free. So in regard to every other point.

I beg to remind the Senate of the fact that, with the exception of the State Board of Health of Louisiana, located at New Orleans, I do not

know a board of health, I do not know a sanitary organization in all this land that does not approve of and ask for the maintenance of the National Board of Health. I have on my table at my house, to-night, a pile of petitions and memorials from State and local boards of health and sanitary organizations; they have teemed upon me by the hundreds, piles looming up quite to this height (indicating). Every board of health, so far as I know; every sanitary organization in the whole country, so far as I know—and I do know affirmatively that a very large number of such boards and associations have petitioned that this National Board shall be maintained, and that appropriations to enable it to perform its functions efficiently and well should be extended to it.

For these reasons, and believing, as I do believe, that there is no appropriation amounting

to such a sum as I have mentioned that is made by this or any other bill which Congress has appropriated money to, that there is no object to which Congress has appropriated money that is so valuable, that benefits the whole American people to the same extent as the amount of money that I ask for the maintenance of this board of health, I must oppose the adoption of this report. If I am mistaken about it, of course, I must abide the decision of the Senate. I shall bow to it regretfully, because I do believe as earnestly and as consistently as I have ever believed any single fact in my life, that it is one of the most important institutions to the American people that has been established for many years; that it is as worthy of the support of the American people as any institution that we have created, or that we appropriate money for the support of.



## BENJAMIN HARRISON.

**B**ENJAMIN HARRISON, of Indianapolis, Indiana, is the son of a royal household. His great-grandfather was a delegate to the Continental Congress from the Old Dominion; was a signer of the Declaration of Independence, a member of Congress twice, and Governor of Virginia three times. His son, William Henry Harrison, the grandfather of the subject of this sketch, is so well known to history as soldier and President, that nothing need be said of him here; his son, John Scott Harrison, was a man well known in his State, and honored by public trusts. He was a member of Congress from 1853 to 1857.

Benjamin Harrison is the son of John Scott Harrison, and was born at North Bend, Hamilton county, Ohio, August 20, 1833. He improved the opportunities offered for common school and academic education, and at the age of seventeen entered the junior class in Miami University at Oxford, Ohio, and graduated in 1852. He turned his attention to the study of law, was admitted to the bar, and settled down to the practice of his profession in Indianapolis, Indiana, in

1854. Two years later he took an active part in the political campaign in his State, and has been a prominent worker in State and national politics since that time. In 1860 he was elected Supreme Court Reporter for his State, but held the office only a couple of years, abandoning it in 1862 to enter the service of his country. He received a commission as Second Lieutenant of Volunteers in July, 1862, and aided in raising a company for the Seventieth Indiana Regiment. He was commissioned Captain of his company, and when the regiment was organized he was commissioned its Colonel. He served with distinction in Kentucky and the Atlanta campaign, and received special mention in the reports of his superior officers, and rose to the rank of Brigadier-General by brevet, in February, 1865. In June following he was mustered out of the service, and retired, again to enjoy the pleasures of home and peace which he had fought so gallantly to secure. In October, 1864, he was again elected to the position of Supreme Court Reporter, which position he had once abandoned to enter the army. He entered upon the duties of his office



EDWARD P. HARRIS



after being mustered out of the army, and served for four years. He was the Republican candidate for Governor of Indiana in 1876, but was defeated, the Democratic candidate having a small majority. Though unsuccessful in the election, his canvass added largely to his popularity, both at home and abroad.

In 1879 Mr. Harrison was appointed a member of the Mississippi River Commission, and did good service in that capacity.

In 1880 he was a delegate to the National Republican Convention in Chi-

cago, where he was an enthusiastic supporter of James G. Blaine for the Presidency; but, on the withdrawal of Mr. Blaine's name, he was an ardent supporter of James A. Garfield, and during the campaign that followed he was one of the most effective workers in the field. Mr. Harrison was elected to the United States Senate to succeed Joseph E. McDonald, and took his seat March 4, 1881. In the Senate, he has been one of the safest and wisest of our legislators, and richly deserves the confidence of the nation.

## POLITICAL ASSESSMENTS.

*Mr. Harrison: Speaks for first in the United States Senate Dec. 27th, 1862.*

MR. PRESIDENT. I do admit I shall be able to make much contribution to this debate, but I do desire to say just a word or two on the particular point now under consideration by the Senate.

I believe this legislation which we are now attempting now would be passed by the parliament as remedial legislation. It is legislation addressed to an evil intended to remove it. I think always, whether it is something or something which legislation we are engaged if we can clearly understand the evil against which it is directed and I think if we are engaged because now in this discussion is a recognition of that evil and is a recognition of the evil. Legislation directed against it is then justified.

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

Additionally, the very language used conveys the fact that these are legitimate and proper ways to raise money that have got a positive message. The only line against which we should not negotiate is not the intention of raising the money, but rather, is the way that we raise the money a concern. What is a concern is a way that we do it, "unconscionable" or "unreasonable" from a moral or ethical point of view. The focus here is not on the intent of the money, but on the way that we raise the money. If we raise the money in a way that is unconscionable or unreasonable, then we are not going to be able to raise the money. That is what I understand to be the key. That money that is raised in a way that is unconscionable or unreasonable is not going to be able to raise the money. That is what I understand to be the key. That money that is raised in a way that is unconscionable or unreasonable is not going to be able to raise the money. That is what I understand to be the key.

bill, to remove not only coercive influences but the semblance of them; not only to withhold legal power to exact but to withhold the use of official place which may be treated as an exaction.

Therefore we say there shall be no request for contributions coming from any official source; the request when made shall not be backed by any official position, influence, or power. When we have accomplished that and have emancipated these men from whom contributions are asked, I insist that we have met the evil complained of, and have gone as far as we rightfully can go.

The Senator from Missouri asks what constitutional provision is infringed upon or violated by a provision prohibiting an officer or clerk in one of these Departments from giving to legitimate political purposes. I do not need to point him to a constitutional provision. That instrument is a collection of comprehensive declarations relating to the government; but I do insist that it is a common principle applicable as well to the service of the United States and its employes as to the service of corporations, and individuals and their employes, that when a man has once earned the salary stipulated by law or fixed by contract, has earned it by the stipulated hours of work, it is his, absolutely his; and the principle sought to be introduced

here is that the government may follow that money into his control and dictate the use of it to him. I say that may not be done. The government of the United States cannot prohibit any man from using money that is his for any legitimate purpose. We may prohibit the use of it for illegal purposes, for purposes of fraud or corruption in elections, but I deny that the government may control the use of the money that it has paid to the man for services rendered.

Where would this principle stop, Mr. President? If, in the opinion of the Senate, contributions to ecclesiastical uses were deemed to be improper, cannot we follow the money into an employe's possession and put a limitation on his power? There is a very wide and a very secure distinction between prohibiting solicitation by an officer and prohibiting the giving voluntarily to an individual.

When he gives to another officer there is room there for the introduction of the principle of official control, and in the other case there is none whatever. We may say that an officer of the United States shall not be the collector or the recipient of such contributions, but it is quite another thing to say that a man, who has earned the salary stipulated by law to him and has it in his pocket, can not use it for any legitimate purpose he may please.










WILLIAM J. SEWELL.

ENGRAVED FOR ORATORS AND ORATORY. FAIRBANKS, PALMER & CO., P.L.A., NEWY.

## WILLIAM J. SEWELL.

ILLIAM J. SEWELL, of New Jersey, is an example of what ability and perseverance may accomplish in the United States. Of foreign birth and parentage, he has advanced, step by step, from the common walks of life to the position of a United States Senator.

He was born in Ireland, in 1835, and in 1851 came to the United States. For a time he engaged in business in New York, but abandoned it for the dangers of a sea-faring life. After spending a few years on the sea, during which he made two voyages round the world, he settled down to business in Chicago, where he remained only a few years, returning east just before the outbreak of the Rebellion.

In August, 1861, he enlisted in the Union army as a captain in the fifth regiment of New Jersey troops, and served until the close of the war, when he was mustered out with the rank of Brevet Major-General.

The advance in rank was won by "meritorious services." He took an active part in the battle of Chancellorsville, displaying the best soldierly qualities, and

was honored with the rank of Brevet Brigadier-General of volunteers. He participated in numerous subsequent engagements, and his valuable services were recognized with the rank of Brevet Major-General. When the war closed, he returned to the peaceable duties of civil life, first engaging in the service of the West Jersey railroad. In 1872 he was elected to the State Senate, and was twice re-elected, serving until 1881. The same fitness that carried him to the front as a leader, in the army, was manifest in his legislative life, and during three years, 1876, 1879, and 1880, he filled the position of President of the State Senate.

In 1876, and again in 1880, he represented his State as delegate-at-large in the National Republican conventions, and in both cases his fitness for leadership secured for him the chairmanship of the delegation.

In 1881 he was chosen by the legislature to succeed Theodore F. Randolph, in the United States Senate.

He is a member of the committees on Manufactures, Military Affairs, and Railroads, and is chairman of the Senate joint committee on Enrolled Bills.

## RESTORATION OF FITZ-JOHN PORTER.

*Mr. Sewell's Speech, delivered in the United States Senate, Dec. 28, 1882.*

MR. PRESIDENT: The bill for the relief of Fitz-John Porter, to which I respectfully ask the consideration of the Senate, has been returned by the Military Committee, to which it was referred, with its passage, as amended, recommended by the majority of that committee.

The basis of that recommendation is the report of the advisory board of officers of the army, appointed April 12, 1878, by the President:

"In order that he might be fully informed of the facts of the case of Fitz-John Porter, late major-general of volunteers, and be enabled to act advisedly upon his application for relief in said case, to examine, in connection with the record of the trial by court-martial of Major-General Porter, such new evidence, relating to the merits of said case, as is now on file in the War Department, together with such other evidence as may be presented to said board, and to report, with the reasons for their conclusion, what action, if any, in their opinion, justice requires should be taken on said application by the President."

The report of that board was made March 19, 1880, and the majority of the committee embody it in their report, with this indorsement as to its merits:

"The committee are of the opinion, that the report of said board exhausts the subject, and that Fitz-John Porter should be, as recommended by said board, restored to the service, and report the bill for that purpose favorably, with the following amendment:

"*Provided*, That said Fitz-John Porter shall receive no pay, compensation, or allowance whatsoever, prior to his appointment under this act."

A minority report, signed by Hon. John A. Logan, Senator from Illinois, also comes from that committee, with a protest against the passage of the bill restoring Fitz-John Porter to the army. This minority report presents no grounds for its protest, except these points:

*First*, That no charge has been made that Fitz-John Porter did not have a fair trial before a legal court-mar-

tial, and that Congress is now asked to not only declare the members of that court prejudiced, but that President Lincoln wantonly, and against evidence, confirmed the action of the court-martial.

*Second*, That the advisory board, composed of Major-General J. M. Schofield, Brigadier-General A. H. Perry, Colonel G. W. Getty, Third Artillery, Major Asa B. Gardner, judge, advocate, recorder, and instituted, 'In order that the President may be fully informed of the facts of the case of Fitz-John Porter, late major-general of volunteers, and be enabled to act advisedly upon his application for relief in said case, a board is hereby convened, by order of the President, to examine, in connection with the record of the trial by court-martial of Major-General Porter, such new evidence, relating to the merits of said case, as is now on file in the War Department, together with such other evidence as may be presented to said board, and to report, with the reasons for their conclusion, what action, if any, in their opinion, justice requires should be taken on said application by the President,' is an illegal body, whose opinion is of no more weight than any other three men; have reported in contradiction and contravention of all evidence before it, and have assumed powers to which they had no right.

*Third*, That the new evidence before it was pretended evidence, and had no reference to the points at issue, and that under all circumstances, orders from a superior are to be obeyed, implicitly, according to the letter, and not according to the spirit, or end, of the order; in other words, that a corps commander has, under no circumstances, any discretion in their execution.

*Fourth*, That the report is based, not upon the evidence before the board, but upon some influence or knowledge, which, however, the minority report does not state.

*Fifth*, That the board has assumed the existence of testimony not justified by the records and evidence; that the board erroneously assumed that the court-martial gives information what evidence had weight on the court-martial, and what had not; and that witnesses who stood by and saw acts committed, and who knew the facts, were not competent to state the facts, and that eighteen years after the events, knowledge comes to witnesses who can state the facts clearer and better than they did at the time they transpired.

*Sixth*, After collating the testimony, and expressing an opinion upon its merits, both for and against General Porter, the minority closes thus:

"We protest against the passage of the bill for the reason that it would stand hereafter as an incentive to military disobedience in the crisis of arms, and as an assurance of forgiveness and emoluments for the most dangerous crime a soldier can commit.

Respectfully submitted,  
JOHN A. LOGAN."

Now, if this arraignment of the members of this board be correct and just, either collectively as a body, or of any one of them as an individual, I do not doubt that the Senate, as a body, and individually, will agree with me that this bill should not be before it, even for its consideration, much less its passage.

In a case of this kind, I take it for granted, that the members of the Senate sit as judges, and in their action on the passage of the bill, each Senator weighs his acts, as an act of justice to the appellant and of justice to the government; and I must assume, that in this light it was so considered on a former occasion, when the question of justice to Fitz-John Porter was acted upon by the Senate, and I am confirmed in that assumption by reading the opinions, deliberately expressed at that time, of Senators who opposed action in behalf of General Porter. The then Senator from Wisconsin declared, "I have no feeling in the matter," and the Senator from Illinois proclaimed:

I have no desire to appeal to prejudice or passion, but my only desire is that the case may be fairly understood by the Senate; that neither sympathy for the individual shall carry us away from our duty, nor shall prejudice against him warp our judgment in forming our conclusions.—(*Speech of Hon. John A. Logan, of Illinois, page 1, of Congressional Record, of March 26, 1880.*)

The majority report of the committee declares, that in their opinion the report of the advisory board exhausts the subjects, as to the discussion of the facts in the case. The minority report, however, arraigns the integrity and fairness of the advisory board on several points, and I propose, as one of the majority of the Military Committee, to give my views concisely on those points, merely in the hope that my remarks may assist in making "the case fairly understood by the Senate, in order that neither sympathy for the individual shall carry us away from our duty, nor shall prejudice against him warp our judgment in forming our conclusions."

And, as a prelude to my remarks, though, perhaps, unnecessary, except to prevent my motives being misunderstood or misconstrued, I

will say that I cannot doubt the sincerity of the speakers of 1880 just quoted, as to their earnest desire to have the Senate do exact justice, nor that the impression of facts now expressed in the minority report are honest convictions, as I am unwilling to believe that the assertions which are expressed by this minority would, if errors, intentionally be drawn, or as such be knowingly presented, "to warp our judgment in forming our conclusions."

I now proceed to meet the points raised in the minority report, and I trust I shall meet them so fairly, so plainly, so correctly, and so conclusively, that the necessity will not exist for more to be said upon them.

On the first point, "that there never was before the advisory board, and there is not now before the Senate, any question raised by General Porter or his friends, as to the legality of the court-martial of 1862, nor of the validity of the sentence then imposed by it;" so far this minority report is correct. The question of the legal constitution of the court-martial was raised by Porter immediately after the court organized in 1862 (Record, page 7,) and then on the ground and under the law that General Pope, his commanding officer at the time, had preferred the charges against him, and thus had become the accuser or prosecutor, and that, therefore, the court-martial should have been ordered by the President, and not by the General-in-Chief, as it was ordered.

The court, in secret session, then decided and the judge-advocate announced in open session that the court was "properly organized," and on the light then before it the question rested. When reading the record of the court-martial to the Advisory Board Mr. Choate referred to this decision, and his remarks will be found on page 71 of board record. At no time has Porter, on such technical grounds, claimed or asked exemption from the sentence of that court, nor on any other ground than absolute innocence of all wrong done or even meditated.

And at no time was the question of the legality of the court-martial submitted to the Advisory Board for its consideration, nor that of the correctness of the finding on that evidence before the court; nor did the question arise, nor was it ever meditated, that President Lincoln "had wantonly and against evidence confirmed the action of the court-martial."

Nor is there anything in the record of the proceedings of the Advisory Board reflecting upon the judgment of the court-martial or upon the integrity of its members, or upon the officials in executing that judgment. On the contrary, that Advisory Board exonerates the court, and necessarily the President, of all intentional blame. It says, speaking in the light of the new evidence of Porter's conduct which has been under consideration by the court-martial: "It is not possible that any court-martial could have condemned such conduct, if it had been correctly understood." And after presenting the charges on which Porter was tried the board says, still in the light of new evidence:

These charges and specifications certainly bear no discernible resemblance to the facts of the case as now established. The judgment of the court-martial upon General Porter's conduct was evidently based upon greatly erroneous impressions, not only respecting what that conduct really was and the orders under which he was acting, but also respecting all the circumstances under which he acted.

Can anything be more plain than this indication of the acts of the court-martial and necessarily of the President in confirming its verdict?

The very fact that President Lincoln was willing to re-open the case in the light of new evidence, as testified by Ex-Governor Newell, of New Jersey, now Governor of Washington Territory, is evidence of the honesty of President Lincoln's action of that time and of adherence to his principle of "malice toward none, with charity for all."

And again there is nothing on that record, nor now in this asked-for action on this bill, to

impugn the character of members of that court, or to impute to them prejudice or ignorance of military or legal matters. Presumably it might be concluded that Porter would have a favorable opinion of the second martyred President from the fact that on January 18, 1875, at the time Porter was pressing a re-opening of his case, General Garfield introduced in the House a bill authorizing the President to appoint in his behalf just such a board as the Schofield-Terry-Getty board, with as full power to examine the case, and subsequently wrote Porter that he had done so unsolicited, and that he was willing the new testimony should be presented, and encouraged Porter by stating that he was assured by members of the Military Committee that the bill would be favorably reported and acted upon by the House of that session.

Now, on the second point, as to powers and duties of the board. This Advisory Board was composed of General John M. Schofield, General Alfred H. Terry, General George W. Getty; Major Asa Bird Gardner, Recorder. They were selected by the General of the Army, General Sherman, who has said of them: "They were officers than whom three better do not exist in the army. I shall accept as conclusive the action of this court of honor, composed as is of such officers as Schofield, Terry and Getty."

The highest confidence was felt in their judgment, and that their decision would be in the interest of honor and justice. The press was unanimous in commendation of its members when first announced, and, with few exceptions, was as unanimous in accepting their finding as conclusive.

And the President, who had enjoined upon them the high trust of advising him in all honor and in the interests of justice, believed in them, and at the close of their work indorsed their recommendation, as follows:

I have given to this report such examination as satisfies me that I ought to lay the proceedings and conclusions of the board before Congress. As I am without power

In the absence of legislation, to act upon the recommendation of the report further than by submitting the same to Congress, the proceedings and conclusions of the board are transmitted for the information of Congress, and such action as in your wisdom shall seem expedient and just.

That their investigation was conscientiously, intelligently and laboriously thorough during all the months they were engaged upon it, needs no proof with those who will read carefully their report; and it is equally manifest that no effort to sustain the verdict of the court-martial was remitted by the active and persistent judge-advocate, who was directed by the board to act as counsel for the Government.

That their statements as to their investigation and to comparisons of evidence, old and new, are not to be doubted, and that their conclusions are the expressions of their honest convictions, must be credited to these high principles of honor which, as we shall now see, they considered an essential part of an officer's character. They announced as a governing principle—page 1835 of their record—

The military code, under which we are acting, whether it be the common law of the military service of the Articles of War, as interpreted by uniform decisions of court-martial, forbids any distinction in our action, or in our minds, between any testimony given by an officer of the army, under oath, before a court-martial, and his deliberate public statements, either in the form of official reports or of public declarations. The obligation is held universally to be the same in both cases—the penalty for falsehood is, in military estimation, the same in both. Therefore, we do not, and cannot, in this case, recognize any difference between the sworn testimony of an officer presented here of record in the trial of General Porter, before court-martial, and his deliberate public statements in reference to that important case; designed to affect either public interests or personal rights.

From officers of such high character as the members of this board, officers esteemed for their moral worth and for their unusual experience in legal, as well as military matters, and having the eyes of the country upon them—from such officers no report could come after such an investigation, except such as flow from honest convictions, and truth and honor only would present.

Only within a few days discussion has been held here upon the propriety of retiring officers

at a specified age. It was asked for one of the members of this board (General Terry,) who had received the thanks of Congress for distinguished services during the war, that he might be exempted from its terms. If the reflections upon its members, intimated by this minority report, had been just, we certainly should have heard of them.

For the reasons I have given, I enter my protest against the opinions these three officers of great military experience and other qualifications for this special service "should weigh no more than the opinions of any other three gentlemen."

That this board would be considered as established by law, in the same sense and with the powers and privileges of a court-martial, is irrational, and, so far as the board itself was considered, is not true. The question of its powers, and of its right to call witnesses, etc., was well understood, and defined, and settled in a discussion at its fifth session, and before any witnesses were called. At the session the mode of calling witnesses, and administering oaths, etc., was adopted by the suggestion of the recorder, the appointed counsel for the government.

Of all the witnesses called before the board, only one failed and refused to appear—the one referred to in his opinion—General Pope. Those who did testify, testified "to the best of their knowledge and belief," and the credit to which their testimony was entitled was evidently given to it.

The desire of Porter in asking for, and of the Government in ordering the investigation, was to get the facts in the case, so that the actual truth should be known. Such was the declaration of Porter—the desire for the "very fullest and most searching investigation to be made of the facts of the case" (page 66), and that the Government earnestly coincided in that desire was manifested by directing, as it did, (see page 75), the board should decide its own rules of proceeding," and also by providing for the pay-

ment of the traveling expenses both of citizens and officers of the army summoned as witnesses.

The sanction of the Government, then represented in the War Department by an able jurist, one who has since been selected for a high judicial position (Judge McCrary), was thus and then given to the summoning of witnesses.

The general principle announced by the minority under the fourth head—that, under all circumstances an officer must obey implicitly orders from his commander at a distance, ignorant of the situation at the time and place of the receipt of the order—is contrary to well established maxims, and especially to the right of a general commanding an army corps to exercise a judicious discretion in regard to the best method of executing an order from his commanding general at a distance (in this case referred to, General Pope was at least some six miles distant from Porter) is too well settled in military law and military practice to admit of question. Among the many authorities which may be cited to this point a single one will suffice. In the work entitled “*Napoleon Maxims of War*,” published at Paris in 1830, and translated by the Count d’ Aguilar, and published in 1861, with a recommendatory preface by Lieutenant-General Scott, at page 42 of the Paris edition, occurs the following passage:

A military order exacts passive obedience only when it is given by a superior who is present on the spot at the moment when he gives it. Having then knowledge of the state of things, he can listen to the objections and give the necessary explanations to him who should execute the orders.

This is not only military law and authority, but it is the only view compatible with the nature of military service or the dictates of common sense. But if the right to use upon responsibility a just and salutary discretion, within proper limits, is thus vested in every commanding officer under the circumstances referred to, then it is equally true that the exercise of such a discretion becomes not only a right, but also a manifest and imperative duty,

when the order is received in a condition of facts wholly unknown to the officer who gives it, wholly different from that contemplated upon its face, and yet bearing most naturally upon the question of the best mode of carrying its real meaning and purpose into effect. That this was precisely the case when Porter received the order which he was charged with disobeying, is shown by all the testimony, both old and new, and will be apparent to any one who will carefully read the reports of the board.

As evidence of the error of the principle which the minority report would inculcate, I need but point to the persistency of General Pope, in the execution of his order, 9.30 p. m., August 27, to General McDowell, to march on Manassas, and of McDowell’s execution of it, fifteen hours after its issue, and under circumstances entirely changed. In execution of that order, two of three of McDowell’s divisions marched toward Manassas, away from the enemy General Pope had been aiming “to bag, and, consequently, the only hope of a successful issue to that campaign disappeared that day, the 28th of August.

Again, if that doctrine were correct, the Senator from Illinois must acknowledge that General Pope, after holding to the Rappahannock forty-eight hours longer than he should, was guilty of violating the doctrine, in disobeying General Halleck’s order “to hold to the Rappahannock and fight like the devil,” by marching to the rear in pursuit of Jackson, and leaving Longstreet unopposed to pursue his own course. Yet the Senator from Illinois, who has had great experience in the practice of the military art, will not condemn General Pope, but I trust will acknowledge that circumstances do alter cases, especially when the commander gives orders from a distance to a corps commander, in ignorance of the conditions existing at the place and time of executing them.

The minority report calls attention to orders which, it says, were disobeyed. The board’s



report fully points out the errors of such assertions. But I shall point out a few assertions in this minority report, showing a misunderstanding of the orders and of the evidence.

In asserting disobedience of orders of the half-past 6 p. m. order of August 27, the Senator from Illinois says (page 12), that "General Pope wanted Porter's army at Bristol on the morning of the 28th, because he expected an attack from the Confederate General Jackson." If this were true, some of General Pope's orders of that night would show it. But, on the contrary, his order to Porter, to McDowell, to Reno, and to Kearney, show that he wanted all their troops at an early hour to help "to bag Jackson, Ewell, and A. P. Hill, who were retreating," and getting away from Pope as fast as they could. Even his own official report, of September 3, 1862, written six days after the events, asserts the enemy had been driven from his front, with the loss of his camp and some three hundred men, and that they had retired precipitately from Manassas Junction toward Centerville, McDowell, Reno, and Kearney having blocked their way towards Gainesville.

Much has been said of Porter's animus on this campaign, and reference has been made to his dispatches, sent to his friend, General Burnside, his commander during part of these events, with the view of putting interpretation upon his acts while under General Pope.

For his explanation of those dispatches, I refer to pages 361 and 366, volume 1, of the board's proceedings. And I merely make these few remarks preliminary to showing Porter's incentive to action in joining Pope.

It should be borne in mind that General Burnside, at Fredericksburg, was dependent solely upon Porter for a correct knowledge, as far as it could be ascertained, of the strength and movements and intentions of the enemy, as well as General Pope's army, and that, as all other lines of communication from Pope's army with Washington were interrupted, Burnside

called upon him for his own safety, as well as for the information of the President, for all orders, reports, rumors, etc., coming to his knowledge. To this duty Porter responded, by sending copies of General Pope's orders, and with them such important information known to him at the time, and explanations showing the changed condition of affairs between the issue and receipt of those orders.

The information which Porter forwarded to General Burnside has been proved correct, and that he comprehended the situation completely, and that few, if any others, did, is now recognized; and also in the light of those dispatches, written during the events themselves, is largely due his vindication.

The feeling with which General Porter entered upon that campaign in Northern Virginia, is made plain by his prompt action on the Peninsula, when he became informed of the rapid march northward of General Lee's army, to crush General Pope before he could, by any possibility, be relieved by the Army of the Potomac. A careful study of Porter's acts subsequently under Pope, will show that he was governed by the same motive—the good of the service, the safety and success of our army—or, as the advisory board has expressed it, "his conduct was obedient, subordinate, faithful, and judicious; it was not subject to criticism, much less deserving of censure or condemnation."

On the Peninsula, General Porter was ordered to wait at Williamsburg the passage through his forces of all the Army of the Potomac, en route from Harrison's Landing to Fort Monroe, when he was to become the rear guard. Informed at Williamsburg that General Lee's army was moving rapidly north to crush Pope, and that the Army of the Potomac was unmolested in his retreat, Porter sent off the following messages, and the next morning (not having received orders to the contrary) started his command for Fort Monroe, whence they all embarked by the night of the 20th of

August. By this prompt decision and action, he expedited the embarkation of the whole army and joined General Pope at least four days earlier than if he had conformed to orders.

A dispatch from General McClellan, at Washington, to Porter, with General Pope, at Centerville, has been quoted in the minority report, and construed to imply a suspicion of Porter's conduct, and a belief in presumed bad faith toward General Pope.

The explanation for that dispatch is given in the court record, page 190, by General McClellan, who testified January 2, 1863, "that the President had told him that he had understood that there was an unkind feeling on the part of the Army of the Potomac toward Pope, and requested him to use his personal influence to correct it, by telegraphing either to Porter or to any other of his friends in that army. He had said to the President that he did not consider it necessary, but was willing to do so; and that he had no doubt in his own mind, but that the Army of the Potomac, and all connected with it, would do their duty without the necessity of action on his part, and that he sent the telegram solely to quiet the apprehensions of the President, and not to remove any apprehensions of his own."

Mr. President: General Porter, from the hour of his conviction to the present time, has never ceased in his endeavors to obtain redress from what he was satisfied was a great wrong perpetrated upon him in the sentence of that court-martial. In this he was assisted by some of the leading men of the country.

But to General Porter as a soldier, and to the honest mind of the American people, the most satisfactory testimony of all, and that which will be most convincing of all, because it is testimony of men who knew him, who had served with and under him, had tested and known him as only soldiers can test and know each other—through association, privation, and peril—best

of all, I say, is that testimony showing the undying faith of his comrades of the Fifth and other Army Corps, and their unconquerable purpose to have justice done him, delayed though it has been through all these years.

Let me read the testimony of his fellow-soldiers whose names and services are so well known, and will ever stand a perpetual record of their singleness of purpose and noble devotion—the tribute of brave men to a brave and wronged comrade.

"The undersigned, who have served as officers of the Fifth Corps under General Fitz-John Porter, respectfully, but urgently, request that the proceedings in his case may be revised in accordance with the application which, they learn from the public press, he has addressed to the Department."

Mr. President: I am interested in this case of Fitz-John Porter, because I served in the Army of the Potomac during the entire period he was connected with it from its formation, and because I know the man and his reputation as a soldier.

General Porter entered West Point, and graduated high in his class in 1845. He was assigned to duty as Second Lieutenant of the Fourth Artillery, in which regiment he served in the war with Mexico, taking part in the battles of Cerro Gordo, Contreras, Molino del Rey, the sieges of Vera Cruz and Chapultepec, and in the capture of the City of Mexico, in which struggle he was wounded at the Garita of Belin. For his services in these battles he was twice brevetted. In 1857 we find him serving on the staff of General Johnson as chief of staff.

At the breaking out of the late war General Porter, upon his return from Texas with the remnant of troops stationed there, was assigned to duty in Pennsylvania, with the general charge of keeping the roads open to the capital, at a critical period of our history, which duty was performed to the satisfaction of the govern-

ment. While at Harrisburg he was instrumental in organizing and forwarding troops for the protection of the capital, and learning through Governor Curtin that the arsenal and other public property at St. Louis was liable to fall into the hands of the secessionists of Missouri, and being cut off from telegraphic communication with Washington, he assumed the responsibility and telegraphed in the name of the Secretary of War to muster in the Missouri volunteers, under the command of Captain Lyon, for the protection of public property.

Mr. President, it required not only a good soldier, but a strong man, to assume such responsibilities. It was not the act of one lukewarm in the service of the country. His action was warmly approved by General Scott and the Secretary of War on his reporting the case. General Porter's next service was as chief of staff for General Patterson, after which, upon the organization of the Army of the Potomac, he was assigned to the command of a division, and had charge of the siege of Yorktown until it fell, when he was placed in command of the Fifth Army Corps, with which he fought the battles of New Bridge, Hanover Court House, Gaines' Mills, Turkey Bridge, and Malvern. For his services in this campaign he was promoted major-general of volunteers and brevet brigadier-general in the regular army. Upon the abandonment of the Peninsula by the Army of the Potomac, General Porter reported to General Pope, at Beauleton, August 26, 1862. The charges and specifications under which he was tried refer to the period between this date named and the 31st of August.

I have endeavored, in answer to the minority report presented by the honorable Senator from Illinois, (whom I had hoped would be by this time, as was another great soldier, convinced by a study of the case,) to show the innocence of General Porter.

Personally, Mr. President, I believe, as was reported by the board, that General Porter did his whole duty on the occasion referred to, and particularly in connection with the order to move his command at 1 o'clock, and what is known as the "forty-third order." I will say more. From my knowledge of the man, as a soldier and a gentleman, I do not believe it possible that he could be guilty of directly, or indirectly, contributing to the defeat of his comrades in arms by the non-performance of his duties, as he understood them.

The reputation of General Porter in the army was that when he had a company it was the best in the battalion; when he commanded a regiment, it was the best in the brigade; when commanding a brigade, it was the best in the division; and his corps, the Fifth, was the pride of the Army of the Potomac. This man, whom the records show, as I have quoted them, pushed the movements of his corps from the Peninsula, in order to sustain Pope, making the junction four days sooner than his orders would have required. This does not bear on the face of it any probability that, having pushed his command ahead of time, he would fail within the next few hours, to give that prompt succor to the army of General Pope which he had been making forced marches to accomplish.

No, Mr. President, these things are inconsistent. Fitz-John Porter was sacrificed to a public sentiment, which, at that time, required somebody should suffer; that somebody should be made an example of for the mismanagement of military affairs.

He comes now before the only tribunal which can give him justice, after twenty years of suffering, under what, I believe, and what a large portion of the American people believe, to be an unjust sentence. General Porter only asks that he may be restored to that army in which he served so faithfully, and in which he was one of its brightest ornaments.

## BENJAMIN F. BUTLER.

**B**ENJAMIN F. BUTLER was born at Deerfield, New Hampshire, November 5th, 1818. After completing his common school and preparatory studies, he entered Waterville College, Maine, and graduated from that institution in 1838. He studied law, and was admitted to practice at Lowell, in 1841. He was successful, and rose rapidly in the profession, enjoying an extensive and lucrative practice. He took an active part in local and State politics, and in 1853 was elected, as a Democrat, to represent Lowell in the lower branch of the State Legislature, where he labored assiduously to secure a reduction of hours constituting a day's labor in the factory from thirteen to eleven, and succeeded. The same year he was chosen a member of the Constitutional Convention, for the State.

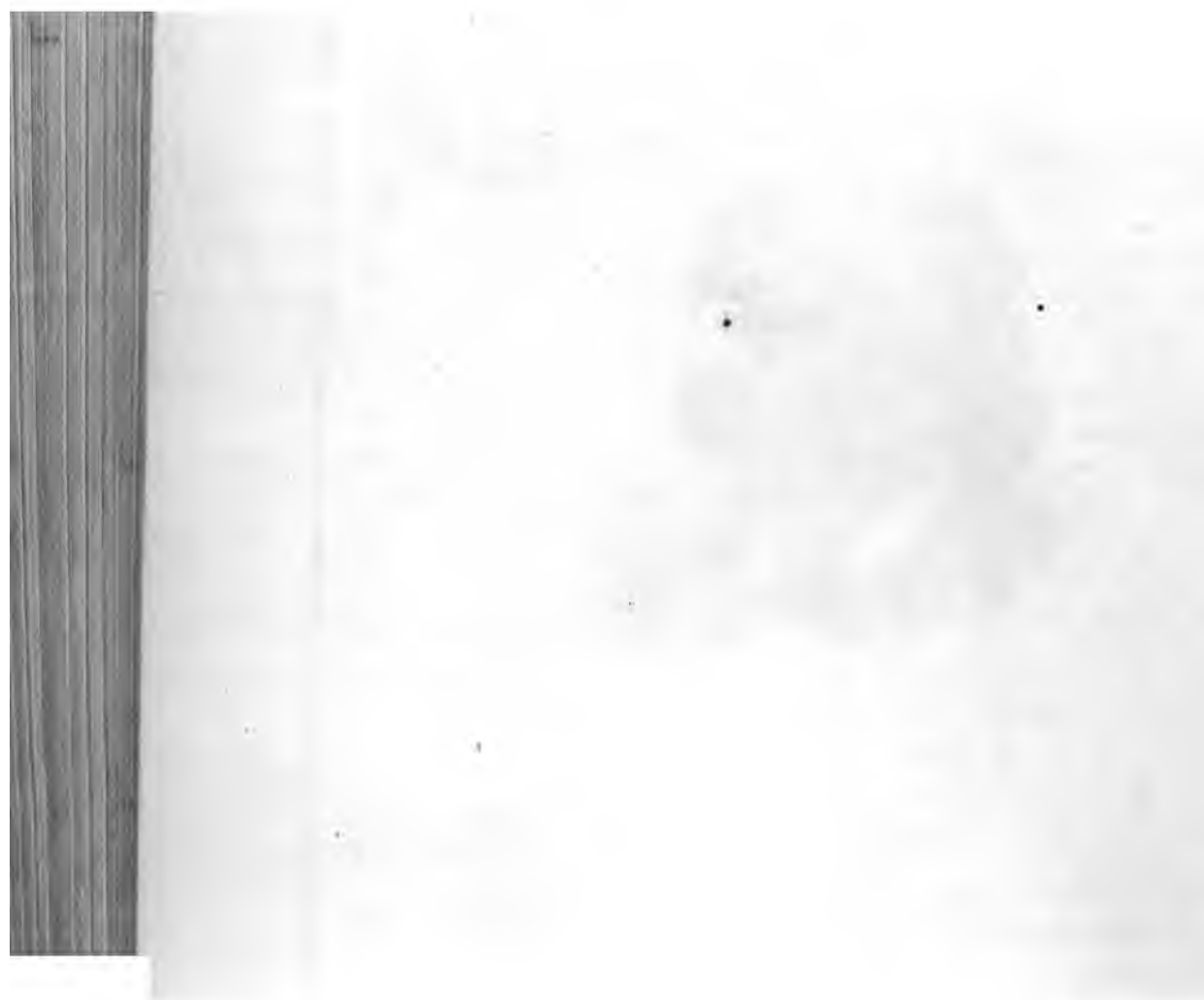
In 1859-60 he was a member of the State Senate, and the latter year he was a delegate to the National Democratic Convention at Charleston; and when the same convention re-assembled a few weeks later, in Baltimore, he declined to participate in its deliberations, because of

the withdrawal of a large number of the delegates from the Southern States, and, as an additional reason, he declared that he "would not sit in a convention where the African slave trade, which is piracy by the laws of my country, is approvingly advocated." He was the Democratic nominee for Governor the same year, but was defeated.

Mr. Butler had risen through all the grades of the State Militia, from private to Brigadier-General, and when President Lincoln's call for troops reached Boston, on the 15th of April, 1861, he gave immediate orders for the mustering of his regiments. The Sixth started from Boston on the 16th, and the Eighth followed on the 18th, with the General at its head. On reaching Annapolis he found the railroads partially destroyed, to delay the advance of troops to the Capitol. He at once took possession of the city, repaired the bridges on the railroads, and, with the Seventh New York, reached Washington in time to prevent an attack from the Confederate forces. On May 13, 1861, he was sent to take possession of Baltimore, a position very important to hold. On the 16th of the



BENJAMIN F. BUTLER



same month he was appointed a Major-General, and assigned to the command of Fortress Monroe and Eastern Virginia. Soon after taking command of that post, and being called upon to return some slaves that had escaped from their rebel masters, he solved the knotty problem which had troubled many, by at once declaring them contrabands of war.

In February, 1862, he was placed in command of the land forces, 18,000 in number, that were to co-operate in the reduction of New Orleans. He took possession of the city about the 1st of May, and governed it until the middle of December, 1862, when General Banks was assigned to the command of the department.

The following year he was assigned to the command of the department of Virginia and North Carolina. In the early part of 1864 he advanced up the James River, to aid in Grant's attack on Richmond. In May he took possession of City Point and Bermuda Hundred, and made an effort to capture Petersburg. The same year he was detached with a small body of troops, to remain in the city of New York, and prevent any disturbances during the Presidential election of that year. In December following he was assigned to the command of

the forces to assist in the capture of Ft. Fisher. The fleet failing to reduce the works, and stormy weather preventing the effective landing and co-operation of the land forces, Gen. Butler abandoned the expedition without orders, and was relieved from his command, after which he returned to Massachusetts, and resumed the practice of his profession.

In 1866 he was elected to represent the Sixth Massachusetts district in Congress, and was one of the managers appointed by the House to conduct the impeachment trial of President Johnson. He was re-elected in 1868, 1870, and 1872, and was renominated in 1874, but was defeated by Charles P. Thompson, who had been nominated by the Democrats. After acting with the Republicans from the breaking out of the war until 1876, he favored the organization of the Greenback and Labor parties, and was their candidate for governor in 1878, and the year following he was the candidate of the Greenback, Labor, and Democratic parties for the same position. In 1882 he was again nominated, and this time he was successful. He made an efficient chief executive of the State, and the year following was re-nominated to be his own successor, but was defeated at the polls.



## FREE AND EQUAL SUFFRAGE.

*Extracts from Mr. Butler's Inaugural Message, delivered Jan. 4th, 1883.*

There is one subject which is of so great importance to the people of the Commonwealth, and to the best interests of the country, that I crave your patience if I present my views upon it at some length: Free and equal suffrage to all who, by the qualification of naturalization and the constitutional one of education, have the right to take part in the government of their State and country.

To this right and immunity of citizens of the the United States there should be no legal hindrance, and especially the prerequisite of paying a capitation tax.

I believe in such a tax as a duty of the citizen, but not as a qualification to his suffrage. Every man ought to pay, according to his ability, his just share of the burden of maintaining the government which protects himself, his family, and his property, and which affords the means of education to his children. But the penalty for non-payment should not be disfranchisement and loss of citizenship; that is too severe, and in all civilized countries is only attached to the highest crimes. But, above all, it should not be imposed when such tax has not been assessed upon him so that he can pay it, as is now the law of our State.

It is the duty of every man to attend and take part in every election, and, by his vote, to give his assent to the laws which may be passed by his chosen representative; for all governments derive their "just powers from the assent of the governed."

This duty of a freeman was enforced by our fathers in the earliest colony time. In 1660

towns in Massachusetts passed and enforced the following by-law:

It is likewise ordered that if any man who is warned to any town meeting be not there when he is called he shall be liable to pay 6d. If he comes not at all, 13d. Nor shall any depart without leave upon the like penalty.

How different are the provisions of law now, by which the State practically offers a bounty of from one to two dollars to any citizen who will stay away from town meeting.

By an act of legislation, now, all the State and county taxes are assessed upon the polls, under a limitation by law as to the amount.

In my judgment the "poll-tax," as it is commonly called, should be assessed by the cities and towns for their proper benefit only, and not as a State and county tax. Under our laws, there is a direct interest in the towns not to assess the poll-tax, for three years in every five, lest the payer should obtain, by payment, a settlement therein, *i. e.*, a right to be supported by the town; a poll-tax being for the State, the town would directly receive nothing from such taxation. This inducement is now much stronger, as an alien may thus obtain such settlement who would otherwise be a State pauper. I therefore recommend a change in the law of assessment of the poll-tax, which is undoubtedly within the competency of the legislature, that the poll-tax should be assessed as part of the city or town tax for their use only. That would induce the towns to use diligence in assessing, and their collectors in collecting the poll-tax, which, going to the town, would be the contribution of the poll-tax payer towards



the education of his children, and in so far an equivalent for his settlement.

I would further recommend, that this tax should be assessed, as now, on the 1st day of May, and a separate warrant for its collection be issued to the collector as early as the 30th day of May, and that, by law, the collector should be required to make a return of such warrant by the 15th day of August; stating in his return, what efforts he has made to collect each separate tax, if uncollected; and the reasons, if any, why not collected; and that he has exhausted all legal means for such collection.

By this course the tax would be paid during the summer season when the laboring man could pay it with the least difficulty, instead of the fall or winter months, when labor is less remunerative, and the expenses for fuel and clothing for the family much more pressing.

Such change of time of collecting the tax would relieve our elections, and our State from a practice which has obtained of late, of committees of the respective political parties paying the poll-tax for voters, in order to have the voter registered, who, it is supposed, will vote with those who pay his tax.

No more vicious practice could possibly exist. It debauches the voters, debases the payer, corrupts political action, and is certain to be the initial to other and further corruptions in elections.

Beside, it dwarfs and belittles the right of suffrage.

Is there not some justification for the committee men to say, "If the State bribes the voter with one dollar not to do his duty as a citizen, may I not give him the same sum to do his duty?" If the State puts that great franchise up for sale at a dollar, is there not some excuse for the voter when he has bought his vote of the State for a dollar, to sell it at two dollars?

I can have but little doubt that all men, of whatever class of political thought, will agree with me as to the propriety of the changes I

have indicated in the law requiring the assessment and collection of the poll-tax.

It will be seen at once that by such a mode of assessing and collecting the poll-tax, if the law stops here, every poll-tax payer would be disfranchised, because the third article of the amendments to the constitution makes the payment of a State and county tax within two years a prerequisite qualification for voting, except as therein provided. Therefore the Legislature must go farther, and, under the provisions of the same article of the constitution, "exempt by law such citizens as are assessed a poll-tax only by towns and cities, from any State or county taxation." Being so exempt by law, such citizens would be within the exemption of the same article of the amendments, which is in these words:

And also every citizen, who shall be by law exempted from taxation, who shall be in all other respects qualified as above mentioned, shall have a right to vote in such election of governor, lieutenant-governor, senators and representatives.

It is quite true that some vague opinions have obtained without investigation of the subject; that under our constitution a state or county tax must be paid to enable the citizen to vote; and so it must be, unless the citizen is exempted by law from paying such tax. But it seems to me to be quite clear as a proposition of constitutional law that if the poll-tax payer is exempted by law from taxation—*i. e.*, State and county taxation, being the only taxation mentioned in that article, or elsewhere in the constitution—he being otherwise qualified, such citizen has by the very terms of the constitution a right to vote.

We might come to that happy condition when from licenses and other indirect taxation, our State and county expenses being paid, we should not require to levy either a State or county tax upon the citizen or his property. This is already done in part. In such case would any one claim that where no tax was levied at all there were no voters in Massachu-

setts, all being disfranchised under the first clause of Article III.?

Suppose the Legislature should enact that no State or county taxes should be levied in a given year, as it may do, and I hope with due economy in State and county expenditures at some time, will do, would such a law operate as a disfranchisement of all our voters, or an exemption of our citizens from taxation?

I am most fully persuaded that all patriotic men will agree with me in the desirability, at as early a day as possible, of establishing free suffrage to all citizens, with proper guards against frauds in its exercise, in Massachusetts, which makes its free institutions its proudest boast, if it can be done without violation of any inhibition of the constitution.

If there should be doubt as to the constitutionality of the proposition I have made, this much-desired end can be obtained by another legal method, which has been twice decided by the Supreme Court of the State to be constitutional.

At the time of the enactment of the third article of the constitution, in regard to suffrage, it had been the habit of our fathers in the annual tax act, which was then the method of authorizing the assessment of taxes, to exempt by law from taxation classes of persons, such as ministers of the gospel, instructors in public seminaries, and the like persons to whom such exemptions had been granted by law, "as one mode of making up their compensation for services."

Let, therefore, a nominal poll-tax for State purposes be assessed as now on the polls of the citizens, and then if any citizen chooses to pay it, by doing his duty as a citizen, by voting, let that act be a discharge and payment of such tax.

That would be a payment "in kind" by the freeman doing his duty as our fathers required him to do it, by fining him if he did not attend town meeting, as we have already seen.

This construction of the constitution has been twice passed upon by the Supreme Court. First in 1833, reported in the 11th Pickering, p. 538, which decision was affirmed in 1843 in an opinion of the justices of the Supreme Court in the 5th Metcalf, p. 591. The court there says that—

Although this class of persons exempted by law has been diminished by succeeding legislation, it does not alter the meaning of the constitution in this respect.

In other words, the constitution, by the exception in the third article, which I have already quoted, put it in the power of the Legislature to say what classes of persons should be exempted from State and county taxation in consideration of their employment or position in life, as the Legislature could exempt from military and jury duty, which is a tax upon all citizens, such citizens, as for reasons controlling the legislative judgment, seemed to it proper.

May I be permitted, respectfully but firmly, to impress upon you the very great necessity for this change? Free suffrage is a right and immunity guaranteed by the constitution of the United States and enforced by a penalty upon any State that shall refuse it to a citizen of the United States who is also a citizen of that State.

The fourteenth article of amendments declares:

No State shall make or enforce any law which shall abridge the privileges and immunities of a citizen of the United States, nor deny to any person within its jurisdiction the equal protection of its laws.

Is not the right to give his vote in the election of his rulers, and in the enactment of the laws which shall govern him, by every theory of our government, one of the "privileges and immunities" of a citizen of the United States, he complying with all laws regulating the exercise of that immunity and privilege which extend to all alike?

In practice, does not a property or tax qualification upon the voter bear unequally and unjustly upon him? If a small sum be made a prerequisite, then, with perfect parity of rea-

soning, a large sum may be imposed, which would put this franchise of freedom in the hands of the few only, who can then say, as the Roman captain answered to the apostle, "With a great sum obtained I this freedom"; and no Paul can proudly reply, "But I was free born!"

If any should doubt whether the right of voting is one of the "privileges and immunities" secured by the first section of the fourteenth article of the constitution, let him read the second section of the same article :

But when the right to vote at any election for the choice of electors for president and vice-president of the United States, representatives in Congress, the executive and judicial officers of a State, or the Legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crimes, the basis of representation shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of such citizens 21 years of age in such State.

The second section thus puts a penalty, *i. e.*, the loss of representation in Congress, upon any State which shall in any way abridge the right of a citizen of the United States 21 years of age and upwards to vote, showing conclusively that voting is one of the "privileges and immunities" which the first section declares no State shall make or enforce any law to abridge.

Passing by the undisputed question of its justness, let me advert to another consideration.

I have said already that this measure seemed to be necessary for the well-being of the State and country. The United States census of May 1, 1880, shows that there were in Massachusetts 502,648 male persons above the age of twenty-one years, and the rate of increase will now give us 535,692, out of 1,783,085 inhabitants. The largest vote ever cast in the State, in November of the same year, was for president, 282,512. The same census shows that there were males twenty-one years of age and over, neither aliens nor illiterate, within our constitutional requirement, 447,083. These would be entitled to vote except for the hindrance of the poll-tax, and the impediments

made by our law of registration. This failure to vote has been alleged to be "indifference of voters."

As we have seen, the largest vote ever cast was 282,512. Taking that from the total number of possible voters, 447,083, it leaves 164,571 practically disfranchised and not voting, or 36 81-100 per cent. of the voting population of the State, the total vote actually cast being but 63 19-100 per cent. of the voting population.

It will be also found that there are fewer voters in Massachusetts in proportion to the number of male citizens over twenty-one years of age than in any other State but five, North or South, however sparse and scattered the population of such State may be, while Massachusetts is one of the most compact and thickly settled of all the States.

The granting of the right of equal suffrage fully and freely is a great measure of safety to the State, to its good order, and the security of life and property. We have seen how large a percentage of men in the State cannot, or do not in fact, for reasons which will be stated hereafter, exercise this right. Our laws, as now administered, allow them to take no part in the government. A large and fast-increasing minority of the citizens of the State are deprived by our laws and their execution, of any part in its concerns. They feel that they have not been permitted to take part in framing the laws under which they live. To such class of persons such laws seem and are oppressive; to them they have not given their assent or dissent. They have the ballot neither as a power nor a protection. Will they not look, then, for other combinations rather than legal ones, as a means of redress for real or supposed grievances? On the other hand, give them the ballot and they will conservatively use it, under and according to the law, for the redress of their grievances. It may be said that they now have equal rights and equal powers with all

other men. Not true; but if it were, not by laws of their own making. Hold them with these oppressive laws of deprivation of their rights and they become the Pariahs of society, and will look to communistic association outside the pale of the laws, for the protection and rights that they should have by the law. The argument put forth by some—the unreflecting—against equal rights and powers being accorded to all men is that a dangerous class will arise. Not so. Power makes all men conservative, and sense of undeserved oppression makes all men lawless. Remember, that upon this class of citizens the State must rely for the military power which must enforce your laws. Why, then strive to make them unhappy, discontented, and lawless.

Fortunately, the abolition of the tax qualification for voting is not a question which now divides political parties.

In the constitutional convention of 1853, an amendment to strike it out of the constitution, was passed by a vote of 206 to 53. It was supported by the entire Democratic party of that day, headed by the venerable jurist, Marcus Morton—and all insisted that suffrage was a natural right.

It was supported by the men who gave birth to the Free Soil party, the nucleus of the Republican party, and was advocated by such men as Joel Parker, chief justice of New Hampshire, and head of the Harvard Law School, Charles Allen, John B. Alley, Francis W. Bird, George S. Boutwell, Anson Burlingame, Henry Chapin, Richard H. Dana, Jr., Robert T. Davis, John M. Earle, Charles Sumner, Amasa Walker, Nathaniel P. Banks, Jr., and Henry Wilson.

No more learned jurists, no better statesmen lived in that day in Massachusetts, nor have lived since.

Vice-President Wilson used, in regard to tax qualification, the following nervous and eloquent language:

Poverty is bitter enough to be borne without the degradation of disfranchisement. That constitutional provision, which would deny to the poor man who could not pay his tax bill, the right to vote, should be forever blotted out of the constitution of a Christian commonwealth.

Afterwards, two Republican Congresses by two-thirds majorities gave suffrage, free and untrammelled, to every white man and 4,000,000 of freed slaves, by the fourteenth and fifteenth amendments to the Constitution, which were adopted by three-fourths of the States, most of them Republican, one of which was Massachusetts.

The doctrine of absolute free suffrage remains a cardinal principle of the Republican party to-day, nowhere better or more eloquently stated than by one of her chosen representatives (who might well have been now addressing you) in a carefully prepared oration, delivered at Tremont Temple, upon questions of Republican principles in the late political campaign.

Mr. Crapo says:

What are these questions which demand our attention to-day? They are the questions of free and fair elections, the absolute enjoyment by every man in this country of the right to vote.

The Republican party, through its administration, and by its entire organization, struck hands with the progressive Mahone of Virginia, and in the election of 1882 caused the poll-tax qualification to be stricken from the constitution of that State by the decisive majority of 107,303 to 66,171.

Opposition to a property or tax qualification for suffrage, has been the doctrine of the Democratic party everywhere, except when led from the principles of true democracy by the influences of slavery, which all good men thank God are gone forever.

Of the thirty-eight States, five only tolerate it in their constitutions. It is for you, as legislators of Massachusetts, to say whether our old free commonwealth shall remain longer in the degraded column.

There is another cognate subject to that which we have been discussing, which has

received encouragement in the platforms of both political parties, and that is the right of suffrage in women. For myself I believe that that right is given them by the constitution of the United States. By the decision of the courts I am overruled in my action on this subject, but not in my convictions. It is an experiment in our government which never has been here practically tried. For although women are allowed to vote for a single class of municipal officers, yet there are so many restrictions and impediments thrown around it that no woman with a proper spirit of self-respect ought to allow herself to pass through the ordeal to attain a useless privilege of voting thus invidiously. This, I believe, is the esteem in which it is held by a majority of the most estimable women of the Commonwealth.

Women cannot be permitted to vote in this Commonwealth, by our constitution, for national or State officers (except for presidential electors) if the law were changed; but they may vote, if the law so provides, in municipal elections.

While this experiment ought to be fully made, yet it cannot be so, as we have seen, without a constitutional amendment. To make that amendment would take three years. If the experiment should turn out to be an unfortunate one, it would take three years more to restore the constitutional provision.

There is one way, however, in which the experiment can most advantageously be tried, and at the same time, without any possibility of mischief, settle a question which, in my mind, will be determinative whether women should have the ballot, and that is whether the majority of women of this Commonwealth

desire to vote. This is averred on the one side and denied on the other; but certain it is, if the great body of intelligent women of the Commonwealth desire to vote they will have the vote, for I believe that fact being known, no just man would oppose it. I suggest, therefore, that a law be passed allowing women to vote under the same regulations as men in municipal elections, which law shall take effect when it shall be accepted by a majority of the women voting at some general election.

Objection has been made that women do not desire to vote because it would be unpleasant to go into the ward rooms and voting places. To obviate that objection, and to get a full and fair expression of the women upon this question, whether they will accept and exercise the right of voting, I would suggest that the women above twenty-one should be registered, the place, by number or other sufficient description, of residence forming a part of the registry, and that every woman may deposit her vote, endorsed with her name and place of residence in her own handwriting, in the postoffice or in some proper box provided for the purpose, addressed to the proper officers of election in the cities and towns where they reside, within ten days before such general election, at which time the officers of election may open, examine, and compare the ballots with the registry lists and assort, count, and declare the votes as in other cases.

Such a law would seem to be easily framed so as to cut off all opportunity for fraud, very little temptation to which would exist, and thus enable every woman without trouble or discomfort to vote upon this question, and instruct the people of the Commonwealth as to their future action thereon.



## JAMES B. BECK.

**J**AMES B. BECK, of Lexington, Kentucky, is a Scotchman by birth, and an American by choice. He was born in Dumfriesshire, near the southern part of Scotland, on the 13th of February, 1822. His youth and early manhood were spent there, and his early education was obtained before he left his native land. He received a liberal academic education, and, on coming to this country, he entered the Law School connected with Transylvania University, at Lexington, Kentucky, and graduated in 1846. He began the practice of his profession in the city of Lexington, and has continued in practice there until the present time.

Mr. Beck has not been a politician or office-seeker, but has applied himself devotedly to the practice of his profession. He built up a large and remunerative practice, and won the esteem and confidence of all with whom he had acquaintance and business relations. He continued in the legal practice from 1846 to 1866, a period of twenty years, without once having the quiet of his professional work interrupted by the anxieties of of-

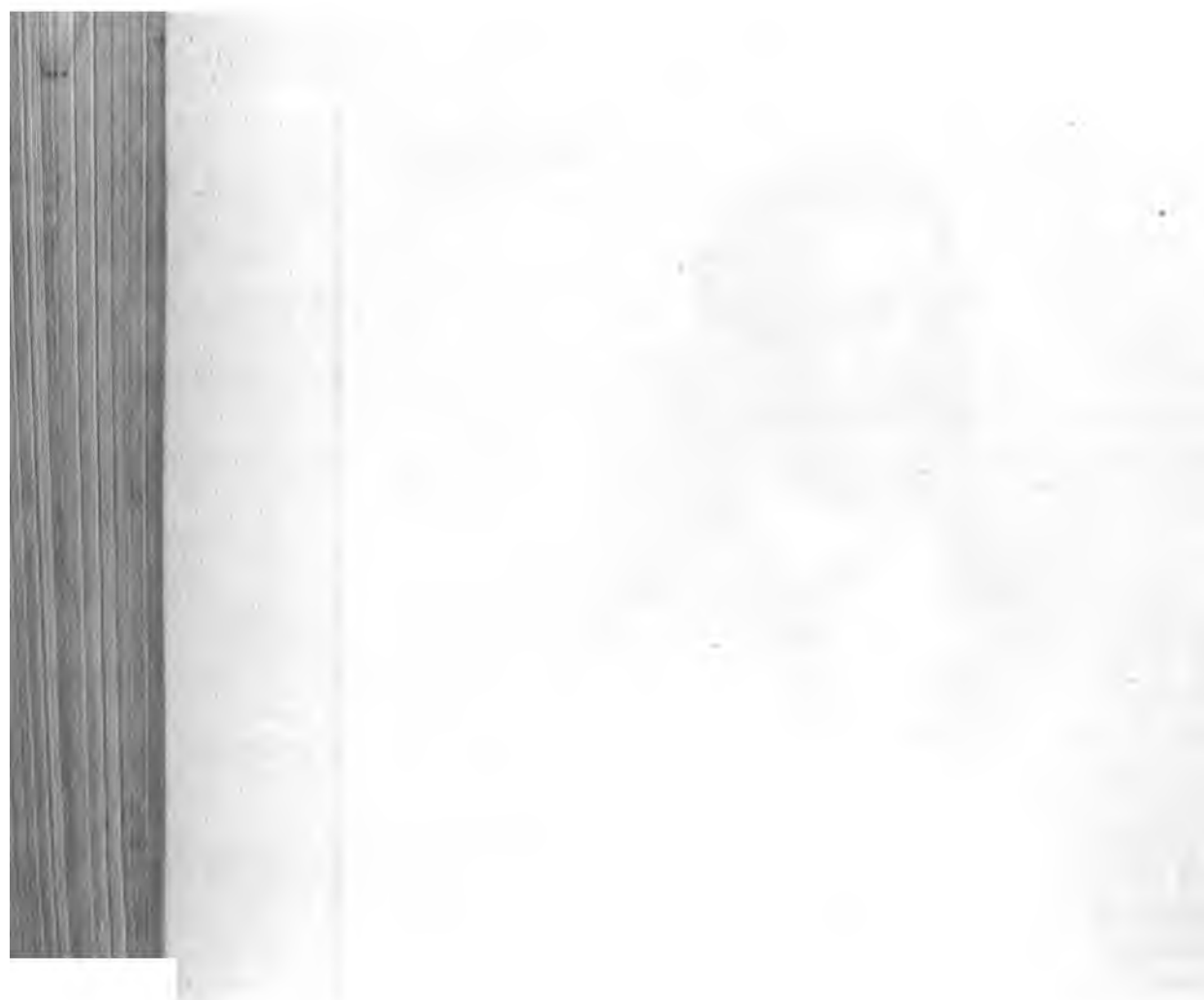
fice-seeking, and petty cares of office-holding. He spent those twenty years to good purpose. He secured a good share of the wealth necessary to sustain one while devoting himself to duties that are not remunerative. He acquired habits of directness and fixedness of purpose that enable him to move directly toward the end desired without delay. He was a close student of history and governmental affairs, and became thoroughly fitted for the important legislative duties to which he has been called.

In 1866 he was elected to represent his district in Congress, and was honored by three successive re-elections. After serving eight years in the House of Representatives, he declined a re-election to a fifth term. He served his State and country well, and deserved a few years rest. In 1876 he was chosen by the Kentucky Legislature to succeed the Hon. John W. Stevenson, in the United States Senate, and on the expiration of his term was re-elected for a second term. He is a ready speaker, thoroughly informed on the questions coming up for legislation, and always aims to expedite business when he speaks.



JAMES B. BECK

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## PRESIDENTIAL SUCCESSION.

*Mr. Beck's Speech, delivered in the United States Senate, Jan. 6th, 1883.*

MR. PRESIDENT: I would not say a word in regard to this bill but for the fact that I have changed my opinion in regard to this measure since I spoke on it in December, 1881. I only desire to state briefly the reasons why I have so changed. The importance of the questions involved in the bill under consideration has not been over stated. It occupied much of the time of the first Congress, and even the framers of the constitution were then unable to agree to the passage of any law. It was the subject of serious disagreement between the two Houses in the second Congress, and the law of 1792, which has fortunately never been brought to the test, was the result. It was not satisfactory then, and the more it is investigated the greater the dangers appear that lurk under its provisions. It was a compromise growing out of the double jealousy between Mr. Madison's friends and the friends of Mr. Hamilton, and between the Senate and House of Representatives, for with all our reverence and veneration for the men of the Revolution they were men of like passions and prejudices with ourselves. Respect and admiration for them forbid perhaps the criticism which the history of their quarrels would justify. I agree that a people who are not proud of their ancestors will rarely accomplish anything of which their posterity will be proud. Yet I have no sympathy with, and I fear very little respect for the feeling which depreciates either the integrity or the ability of the men of this day, or which assumes that we have fallen on degenerate times, and that all wisdom, patriotism,

and unselfishness was concentrated in and died with the fathers.

I think the sooner the law of 1792 is repealed and a substitute less fraught with danger to the Republic enacted the better. True, nearly one hundred years have passed, and no occasion has arisen calling for the enforcement of its provisions. Hundreds more may run before the contingency of the death of both President and Vice-President during one term would happen. Yet it might happen to-morrow, and be followed by a good deal of confusion. True, we have a President of the Senate and a Speaker of the House now, but the terms of both expire March 4. We had neither when the President died; if there had then been no Vice-President this insufficiency of the provisions of the act of 1792 would have been painfully apparent.

I shall vote against the motion to recommit, and for the bill, because less than sixty days intervene before the expiration of this Congress, and no further opportunity for deliberation or discussion will likely be afforded after the tariff, tax, and appropriation bills are taken up, and because, after a good deal of reflection, I see no solution of the difficulties so simple, so safe, and so little liable to controversy as that presented by the bill, which is substantially that offered December, 1881, by the Senator from Arkansas [Mr. Garland]. When this Congress met, the President in his message of December 6, 1881, called attention to many serious questions suggested by the fatal wounding, lingering illness, and death of President Garfield in words of grate significance.

Questions which concern the very existence of the government and the liberties of the people were suggested by the prolonged illness of the late President, and his consequent incapacity to perform the functions of his office.

It is provided by the second article of the constitution, in the fifth clause of its first section, that "in case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President."

What is the intentment of the constitution in its specification of "inability to discharge the powers and duties of the said office" as one of the contingencies which calls the Vice-President to the exercise of Presidential functions?

Is the inability limited in its nature to long continued intellectual incapacity, or has it a broader import?

What must be its extent and duration?

How must its existence be established?

Has the President whose inability is the subject of inquiry any voice in determining whether or not it exists, or is the decision of that momentous and delicate question confided to the Vice-President, or is it contemplated by the constitution that Congress should provide by law precisely what should constitute inability, and how, and by what tribunal or authority it should be ascertained?

If the inability proves to be temporary in its nature, and during its continuance the Vice-President lawfully exercises the functions of the Executive, by what tenure does he hold his office?

Does he continue as President for the remainder of the four years' term?

Or would the elected President, if his inability should cease in the interval, be empowered to resume his office?

And if, having such lawful authority, he should exercise it, would the Vice-President be

thereupon empowered to resume his powers and duties as such?

The President very properly calls upon Congress to give to these important questions the early and thoughtful consideration which they deserve, because the constitution of the United States provides that

The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or office thereof.

That portion of the message was referred to the Committee on the Judiciary. On the same day I had the honor to introduce the following preamble and resolution:

*Whereas* the constitution of the United States provides: "In case of the removal of the President from office, or of his death, resignation, and inability to discharge the duties of the said office, the same shall devolve on the Vice-President, and the Congress, may, by law, provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall then act accordingly, until the disability be removed, or a President shall be elected;" and, *Whereas* it greatly concerns the peace of the country, and perhaps the very existence of the government, that the laws enacted by Congress in pursuance of that provision of the constitution should be so comprehensive as to provide for every vacancy that can possibly occur in the office of President, and so clear as to admit of no controversy, nor any question of disputed succession to that high office. To the end, therefore, that all doubts or defects which may exist in our present laws on this subject may be remedied and further controversy prevented,

*Be it resolved by the Senate of the United States*, That the Committee on the Judiciary be instructed to examine into said provisions of the constitution, and into the laws passed by Congress to carry them into effect, and inquire whether the provisions of said laws are constitutional, proper, and adequate in all respects to their purpose and end, or whether any further legislation be necessary or proper, and to report thereon by bill or otherwise.

This, together with a resolution offered by the Senator from Texas [Mr. Maxey], looking to the same end, and a bill introduced by the Senator from Arkansas [Mr. Garland] was referred to the Judiciary Committee, December 19, 1881. The bill before us is the result of their investigation and deliberation. I hope it will be accepted; at least I trust it will be passed upon now and not recommitted at this late day. On the 14th of December, 1881, I addressed the

Senate at some length on this subject. If I did nothing else then, I contributed a valuable historical review of the legislation had in 1792, furnished me by our accomplished reporter, Mr. Murphy, and reproduced the very vigorous argument of the Hon. James A. Bayard, then a Senator from Delaware, that either the President of the Senate, or the Speaker of the House is in any proper sense an officer of the United States. I contented myself then with pointing out the difficulties and dangers existing under the law of 1792, and I am content now with the solution of them by the Judiciary Committee. When I spoke in December, 1881, I was inclined to adopt the views urged by the Judiciary Committee of 1856, providing for the succession of the Chief-Justice and associate justice, of the Supreme Court, but subsequent reflection has induced me to regard the present proposition as, in many regards, preferable to that.

When the contingency arises, the then Chief-Justice may be a man either wholly unfit to perform the duties and functions of President, or may be so bitterly opposed to the policy of the then administration that he would not or could not conscientiously carry it out; the knowledge of these things might seriously disturb the business of the country, to say nothing of the questionable policy of combining the powers of the executive and judicial departments of the government in one person. None of these objections apply to the Secretary of State, at least the Senate has the power to see to it that they shall not. He will necessarily be the personal friend and confidential adviser of his chief, on whose death he would be prompted by every motive which operates on honorable men to so conduct the great office of President, that it would redound to the honor of the memory of the deceased chief magistrate, who has placed him in his high position. No inconvenience would arise from the acting President being his own Secretary of State. William of Orange filled that position for himself during

his arduous reign. This arrangement might make it a little embarrassing for persons like myself and several other foreign-born Senators, if any of us aspired to be Secretary of State to a Vice-President, after the death of the President, or when there was no Vice-President between the Secretary of State and the position of acting President, but that is too small a matter to consider. Every other proposition is surrounded with serious difficulties. It is at least debatable, and that is enough to cause the Senate to change the existing law, whether a Senator or Representative is a civil officer within the meaning of the Federal Constitution.

The action of the Senate in the cases of Blount and Smith, the views of learned commentators, the presentation of the question by Senator Bayard, and the votes of able Senators when the test-oath was discussed, all prove that there is great doubt, to say the least, whether the country would accept the provision of the act of 1792 as constitutional, especially if the President *pro tempore* of the Senate or Speaker of the House happened to be, when these grave responsibilities devolved upon him, a bitter opponent of the policy of the Executive and of the party that elected him. The learned Committee on the Judiciary in 1856 were all of the opinion that the officer who acted as President must have all the qualifications as to age, residence and nativity that the President elected by the people is required to have. Whether that is imperative or not, it is seemly that it should be so. Any Senator or Representative may be President *pro tempore* or Speaker, and once elected their party friends may refuse to remove them. Neither of them need have any of the qualifications as to age, residence, or nativity required for President, and if they had, serious questions would remain. Could either of them perform the duties of President after their official terms expired? Suppose President Arthur should die between now and March 4, and the

terms of the present President *pro tempore* of the Senate and of the Speaker of the House should expire March 4, after which they become private citizens, would they then be such officers as under the Constitution could perform the duties of President until an election was held by the people? Even as members, could they vote for or against measures, and then veto them? Ought such questions to remain open for discussion? Could the President *pro tempore* of the Senate, acting as President, make nominations and come here and advocate and vote to confirm his own appointments; if not, can the State he in part represents be deprived without his consent of her equal representation in the Senate? All these and many other subjects of dispute are avoided by adopting the bill presented by the Committee on the Judiciary, while it secures the continuance without jar or shock of the policy which the people at the poles had indorsed in the selection of the high official by whom the Secretary of State was appointed.

Fault is found with the provision that the Secretary of State or other executive officer shall act as President till the end of the term for which the President and Vice-President were elected. I regard it as a wise provision. Recollect we are only providing for a contingency which has never happened and may never happen. If it ever does it is not likely that both the high officers elected by the people will die (for I do not assume that any other cause will ever vacate both offices) very early in the term; and if unfortunately they do, and anarchy and confusion is avoided by having an officer qualified beyond all doubt to perform the duties, it is a matter of small consequence whether he performs the duties three months or three years. He has only to see that the laws are faithfully executed; Congress makes or unmakes them; it holds the purse and the sword. But it would produce serious inconvenience, if nothing more, if a call for a new election at other than the regular time now

provided by law should result in the inauguration of a President for four years in the middle of a term, say on the 4th of March, 1884 when both Houses of Congress are in the middle of a session, and that condition of things should exist for all time, or until by some readjustment of our system we had adapted it to the altered conditions, which might be again upset by the happening of another contingency. I am unable to see any such difficulties as some other Senators do in the proposition contained in the bill of the Judiciary Committee; on the contrary, it obviates the dangers and inconveniences possible under the law of 1792. Surely if Congress has power to fix a time for holding an election before the end of the regular term in such an emergency, it has the power to say that the good of the country requires that the regular terms as now established shall not be disturbed by an intervening election.

In my opinion it makes far less difference what officer performs the duties of President, or for what time within the term for which the election for President was had he holds the position, than many persons assume that it does. What is needed is that no doubt shall exist as to the competency of the officer designated to perform the duties imposed upon him; and to see to it that there is no interference between the legislative or judicial departments of the government or any member of either and the executive functions; that no violent or unnecessary change of policy from that expected by the people from the President of their choice is either provided for or made probable during the term for which he was elected; and that no such anomalies or incongruities as the inauguration of a President in the midst of a long session of Congress, when neither new members nor Senators take their seats, necessitating presidential elections for all time when neither Congressmen nor Legislatures to choose Senators are elected, shall be permitted. I think all these evils are guarded against in

the bill before the Senate. It has not attempted to deal with the questions suggested by the President as to the rights and duties of the Vice-President when the President is assumed to be laboring under either temporary or permanent disability. Perhaps they may be safely postponed until we have settled the questions now presented as to the proper person to exercise their high functions when both are dead.

I am not sure that it is proper in discussing a question so far removed from mere party politics to allude even by way of illustration to passing events or conditions, but the effect of the transfer of the functions of the chief executive from a Republican President to a Democratic President *pro tempore* of the Senate, or

*vice versa*, would in my opinion be a calamity; that it would produce serious business stagnation, if not distrust, I have no doubt. Indeed, even the comparative slight differences inside the party, which resulted in the nomination of Mr. Arthur as Vice-President, produced results which did not tend to produce harmony. They would have been avoided if a Vice-President fully in accord with the friends and policy of General Garfield had been nominated with him. By transmitting the powers and duties of the executive to the Secretary of State of his own selection, I think we have provided the best guarantee to the country that the policy of the President will not be disturbed. Therefore, I shall vote for the bill.



## DANIEL W VOORHEES.

**D**ANIEL W. VOORHEES, of Terre Haute, Indiana, was an Ohio boy, and was born in Butler county, that State, September 26, 1827. He attended the public school in his native State, and afterward entered Indiana Asbury University, from which he graduated in 1849. He then applied himself to the study of law, and was admitted to practice in 1851. By diligent attention to business, he built up an extensive and paying practice, and was an influential member of the bar with which he was connected.

In 1858 he was appointed United States District Attorney for Indiana, and continued to fill that office until 1861. In 1859 he defended John E. Cook, who was charged with complicity in the famous John Brown raid on Harper's Ferry.

In 1860 Mr. Voorhees was elected a member of the Thirty-Seventh Congress, as a Democrat, and at the expiration of his term was re-elected as his own successor. In 1864 he was a candidate for a third term, and received the certificate of election, but his claim to his seat was successfully contested before Congress.

After a lapse of four years he was again a candidate for Congressional honors, and was successful; serving during the Forty-first Congress, and was re-elected in 1872 to membership in the Forty-second. In 1876 he was a candidate for Congress again, but was unsuccessful.

When Oliver P. Morton died, in 1877, a Democrat occupied the gubernatorial chair in Indiana, and Mr. Voorhees was appointed as his successor, taking his seat in the United States Senate, November 12, 1877. The choice of the Governor was ratified by the Legislature when it met, in which the Democrats had again secured a majority, and on the expiration of the term he was re-elected to the full term succeeding, which will end March 3, 1885. In the Senate Mr. Voorhees is a member on Finance Committee, and on that of Transportation Rates to the Seaboard; both of them being committees of importance. He is also a member of the joint committee on the Library.

Mr. Voorhees is a close student of men and measures, and has few superiors as a forcible public orator.



DANIEL W. VOORHEES.

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## INTERNAL REVENUE AND TARIFF DUTIES.

*Mr. Voorhees' Speech, delivered in the United States Senate, Jan. 1, 1887.*

MR. PRESIDENT: The amendment reported by the Finance Committee, fixing the duty on sugars, makes a very serious departure from the rates recommended by the Tariff Commission for all sugars below No. 13, Dutch standard. It is understood that the general plan of this schedule was accepted by the Commission, as a compromise of conflicting interests. It gives, as the Commission informs us, a large reduction of the duty on low-grade sugars, such as are required by the refiners for their uses in manufacture; it has been acquiesced in by the American planters who produce these low-grade sugars, and it is satisfactory also to the general public as far as I know. In the plan of the Commission a moderate reduction of this duty is recognized, and I think it is generally approved. Petitions manufactured by a lobby, or by claim agents, do not indicate a public sentiment. They deceive no one. In 1879, speaking of the sugar tariff now in force, General Garfield, then a member of the House of Representatives, declared:

"I believe the correctness of the principle of the present law is not called in question anywhere. Although the aggregate rate of duty is high, consumers are not complaining, for the sugar used by our people is cheaper to-day than it has been during any previous period of our history. A dollar to-day will buy more sweetening than it would have bought at any previous period in our history. A day's work, even, will buy more sweetening to-day than it would have bought ten years ago. Therefore, the consumers of sugar in this country are not

complaining that the rate of the tax is too high."

Sir, I agree in the general proposition as stated by General Garfield, who has made this subject a study, and I cannot see why the compromise and reduced rates of the Tariff Commission should not be adhered to.

But the proposition of the committee on which we are required to vote, reduces the duty below even the reduction of the Tariff Commission. It imposes upon sugars not above No. 13, and testing not above 75 degrees, a duty of one and one-quarter cents per pound. Seemingly this reduction is made in the interest of the people, but in fact it is not. These sugars are raw sugars—sugars not fit for use or consumption at the table until they are refined. They all go to the refiner, and not to the grocer or the consumer. The sugars of consumption—those which are used whether by the rich or by the poor—are excluded at your custom-house by the high rates of the present tariff, and they are to remain excluded by the scale of duties proposed in the schedule of the committee on grades above No. 13. I suppose no one will pretend for a moment that refined or consumable sugars are to be let in under the bill of the committee in any considerable quantity, to compete with the products of the American refiner.

The proposition for reduction on the raw sugars below No. 13 is, therefore, one made in the interest of the refiner altogether. You give him a wider margin for his profits. He can charge about as much for sugars of consumption as he has done heretofore. The revenue is

to be reduced probably some \$10,000,000 to \$15,000,000, but the people at large are not to reap the benefit. The refiner's profit, indeed, is largely enhanced, but to accomplish this result you destroy, as I am informed and believe, the sugar producing interest of this country, and consign 300,000 or 400,000 people of both races to ruin and despair. At the same time, you extinguish all hope whatever of making the United States (which in 1860 produced half the sugar we consumed,) self-reliant for this great article of food supply. You increase your importations from countries where, if I remember aright, the balance of trade is already against us, and whose poorly paid or slave labor, as the case may be, declines to take products of our varied industries.

You turn your back on the freedman of the South, and pour your rich bounty into the lap of the Cuban slave-holder. We destroy those of our own race whose wants are the wants of a civilized and progressive people, trading and exchanging their products with every portion of the Union, and then carry our gold a thousand miles, to buy of the stranger what might be raised and what has been raised in richest profusion at our own doors. Is this a wise statesmanship? I think not.

The true issue is one that cannot be evaded. It is not merely whether the American laborer shall be degraded to the level of the pauper labor of Europe; but in this instance, it is also whether the free negro laborer of the South shall be sacrificed to swell the profits of the Cuban slave-holder and the Eastern sugar refiner, characters that I am told are sometimes blended in the same firm if not in the same individual. The principal element of cost in the production of sugar is human labor; of your American crop seventy per cent. is paid out for the labor of black men. His condition is comfortable and is improving. \* \* \* Even the unskilled laborer may get \$367 per annum. This is three times more than three times the

wages paid in Cuba for like work. The reason why the sugars of Louisiana cost more than those of Cuba is because the laborer with us is fairly paid for his work, and in Cuba he is ground to the earth. The duty of the present tariff on low-grade sugars about equals the advantage obtained by the Cuban planter in his cheap slave or Chinese laborer. The question is therefore exceedingly simple. Do you propose to bring down the wages in Louisiana to the level of the slave and coolie in Cuba?

Do you think that the freedman is getting too much in Louisiana for his work and exposure? Sir, neither planter nor freedman can compete with the degraded labor of Cuba and the tropics, and if this policy is to prevail, the negro must quit the sugar country, and go where he can obtain a fair remuneration for his toil, with some hope of reasonable advancement. The fiat of this bill is not that "the Chinese must go," but that the negro must go. You propose to organize by legislation a new exodus of hundreds of thousands of black men, women, and children; leaving homes once happy, scenes and associations endeared to them by many ties, going to hunt new homes, without capital or credit, to acquire new industries, to experience, probably, rebuffs and insults from pretended friends, to swell the ranks of American pauperism—a long procession of human misery and despair.

These, sir, will be some of the laurels which we will gather in our work of tariff revision, if the policy proposed is carried out.

But, sir, whether the subject be looked at from a standpoint of levying a tariff for revenue, or for revenue and protection both, this policy is indefensible, and I shall vote against it.

Let us look at it from the ground of those who hold that the tariff should be levied for revenue purposes only, without any reference whatever to protection. There are those around me who honestly and ably maintain this theory. One of the great authorities of this

free-trade school, Adam Smith, says that "every tax ought to be so contrived as both to take out and keep out of the people as little as possible over and above what it brings into the public treasury of the State."

In accordance with this high authority, the distinguished Senator from Texas, Governor Coke, in a speech of 8th February last, defended the duties on sugar, rice and wool. The Senator from Texas is high authority in his school of political economy, and I commend his views to all those who share his well-known ideas. The position he takes is the same as that of Hon. Horatio C. Burchard, the present Director of the Mint, one of the most painstaking and careful of all our public men.

I think, sir, I have demonstrated that any advocate of a tariff merely for revenue is illogical and inconsistent when he proposes to reduce this duty, unless he can demonstrate that the true revenue point has been exceeded, and its importation thereby diminished. No man, however, asserts this proposition, and if he did the official figures would confute him. No, sir. The result of the proposed legislation will be to lop off the revenue to the extent of twelve or fifteen millions of dollars, and, as I have already stated, not for the benefit of the consumer, but to give a larger margin of profit to the proprietors of the great sugar refineries, and to stimulate the slave-grown sugar of Cuba and quicken anew the lash under which that sugar is produced. It is for this purpose that we are to cut off a revenue duty that is a source of unparalleled strength to the National Treasury, and which has proved in the past a pillar of the national credit when our financiers were looking with deepest anxiety to the sources of revenue.

It seems to me that I have shown no man claiming to be for revenue only can vote for this reduction. I come now to the protectionists—to that class who hold that, in framing the tariff for revenue necessary to support the

government, the duties should be so adjusted as to give incidental protection to the great industries of the nation. This bill as reported by the committee is in most of its schedules framed in this theory. This is the policy adopted in respect to the manufactures of metals in all their multiplied varieties, and adaptations to human wants, to cotton, woolen, and silk goods, to earthen and glass ware, to hemp, jute and flax goods, and to the general list of articles manufactured in the United States. In all these schedules we propose to guard the American laborer, and to see to it that he is not driven out of the field by the pauper labor of Europe.

Now, have you applied this principle to the question of sugar production? I admit your care in the bill for the Eastern refiner. He is well taken care of in the bill. All rude jostling and competition with him is shut out by duties that are absolutely prohibitory. His large margin of profit has been extended by reducing heavily the price he pays for his raw material.

We are about to open a back door from his establishment to the plantations of Cuba, of Demerara, and Jamaica; to the fertile domain of Claus Spreckels, in the far-off Pacific, and to the sugar product of the almond-eyed denizens of the Flowery Kingdom. But let us see how many people in this country we are benefiting by such legislation, and on how many we are inflicting ruin. Census bulletin No. 304 gives us the number of our sugar refining establishments.

There are but forty-nine of them all told. The capital employed is \$27,433.50. The total amount paid in wages for the year is \$2,875,032. The value of materials is put at \$144,698,499. The value of products is \$155,484,919. Deducting the value of materials and wages paid from the value of products, we have a profit for the refiners of \$7,911,384 on a capital employed of \$27,433,500, or nearly 29 per cent. Is not this enough? Why should we give them more? Is

their business so unprosperous that to make these magnates comfortable, sleek, and fat, you must destroy a State and break down the revenue?

Sir, we all know that the additional and needless profit we now propose to give these refiners, is not going into the pockets of the operators whom they employ. They are to get the same wages as heretofore, and will have to pay quite as much for the sugar they are engaged in refining for consumption, when they come to buy it for the breakfast table. Their sugar will not be sweetened by any advance of their wages, as the amount paid to them will be determined by the general condition of the labor market. But even if we were simple enough to conceive that they were to derive some slight benefit from this large bounty to the refiners, the number to be thus benefitted is not large. The same bulletin to which I refer gives the total number of operatives at less than 6,000. There are only 5,832.

Turn, now, to the sugar producing industry which is to be destroyed by this legislation. Sugar is the chief production of the State of Louisiana. Over one-half of its capital is employed therein, and over one-half of the people are engaged in it, or are supported by it. It employs over ninety millions of capital, and is the almost exclusive support of 400,000 people. All these people are to be crushed and ruined to benefit, not the 5,832 operatives in the sugar refineries, but to swell the fortunes of the proprietors of some forty-nine establishments, to enable them to build more costly villas and mansions; to add house to house and land to land; to maintain a brigade of lobbyists here, to pay *doctrinaires* and publicists, and to overwhelm Congress and its committees with a varied diet of dinners and pamphlets. Sir, my sympathies do not go to this class of persons. They are rich enough, not only to dispense with sympathy from any quarter, but to feel sympathy for the people they propose, in their avarice, to destroy.

Turn to the sugar-planting interest. Their numbers are vastly greater than the refiners. They outnumber them by hundreds to one. If, there be anything in the doctrine of protection they are entitled to its benefits. We cannot exclude them by this bill unless we propose deliberately to make a sectional tariff and a sectional crusade against interests which are outside of the sunshine of our favor. These planters are not prosperous. They are not rich enough to quit their homes and build villas at Newport or maintain lobbies at Washington City. Many of them are poor and are living from hand to mouth. The war destroyed the sugar industry of Louisiana. The hostile tariff of 1870 checked its revival. The great flood of 1882 swept over the levees and inundated the fairest, richest portion of the sugar parishes of the State. These people are just now rallying from their misfortunes, and this is the time of all others that their interests should be cared for. For my part, I cannot consent to deal them another and fatal blow, not in the interest of the general public, not to benefit the public revenue, but to enlarge the profits of the refiner, and to benefit the Cuban slave-holder, and develop his markets!

This is not my idea of protecting American industry. It is not just. It is not legislating for the general welfare thus to single out this special industry for ruin—to curse Louisiana, while our hands are raised in blessing for all other sections. Nor is the country in which the American sugar is produced adapted to the growth of corn, or wheat, or cotton. If, therefore, this industry is to be crushed by the free admission of raw sugars from Cuba and other States, the people of that country must abandon their homes. We will make a desert and call it peace. Whom do we strike? The planter, ruined by the war, his slaves emancipated, his capital gone, struggling amid floods and new conditions of labor and trial to make a support

for himself and his family, running his plantation, with its costly plant and machinery, on borrowed money, and paying heavy interest. Yes, we strike this class to the earth, and if the object be to perpetuate evil passions, and work fresh injuries on the unfortunate, that object will be accomplished.

But this is not all. The labor by which the sugar of Louisiana is grown, is almost exclusively negro labor. Probably not less than 300,000 blacks are dependent on this crop for their wages and support. The supplies for these laborers come, largely, from the Upper Mississippi Valley. These negroes, whom we would drive from their homes by the admission of the products of slave, coolie, Chinese, and peon Mexican labor, were born on the soil whence they are to be exiled. They are contented and prosperous. If they have a great care or trouble it is because they have heard their employers express a fear that Congress would involve them all in one common ruin. These colored people are as well paid as in any part of the South. Their condition is one of

advance and improvement. They are at peace with their employers. Some are themselves planters. Their future is in your hands. You can, if you please, deprive them of their bread, and remand them to vagabondage and other temptations of poverty, and then try to balance the account with humanity, by saying that you gave them the ballot. If, after all professions of special friendship, this is to be your action, history, with her inexorable pen, will not fail to record the cruelty and the hypocrisy of the proceeding.

Whether, therefore, I look at this subject with the eyes of those who uphold the doctrine of a tariff only for revenue, or as the advocate of a reasonable incidental protection to American labor, or from the standpoint of our humanity and the immutable dogmas of the divine sentiment of justice, I shall oppose, by my vote, any policy which is calculated to cripple and destroy the sugar producing interests of the country, while it impoverishes the revenue and confers not the slightest benefit upon the tax-payers of the Nation.



## HENRY WARD BEECHER.

**H**ENRY WARD BEECHER was born in Litchfield, Connecticut, June 24, 1813. He was taken to Boston when twelve years old, and attended the Latin School, where he made considerable progress, but acquired a strong distaste for school-room studies, preferring the freedom of out-door life. He had a strong desire to become a sailor, but instead of stealing away as so many boys do, he wrote a letter, which he allowed to fall into his father's hands, in which he gave expression to his desire. His father seemingly acquiesced in his wish, but advised him to study mathematics, especially navigation, that he might become something more than a common seafaring man. With this end in view, Henry entered the Mount Pleasant School in Amherst, Massachusetts, where he was devoted to his studies, and remained about two years. The influences thrown around him in this school were such as to change his desire to go to sea, and awakened in him a deep religious feeling. He united with his father's (Dr. Lyman Beecher) congregation, and his thoughts were turned toward the

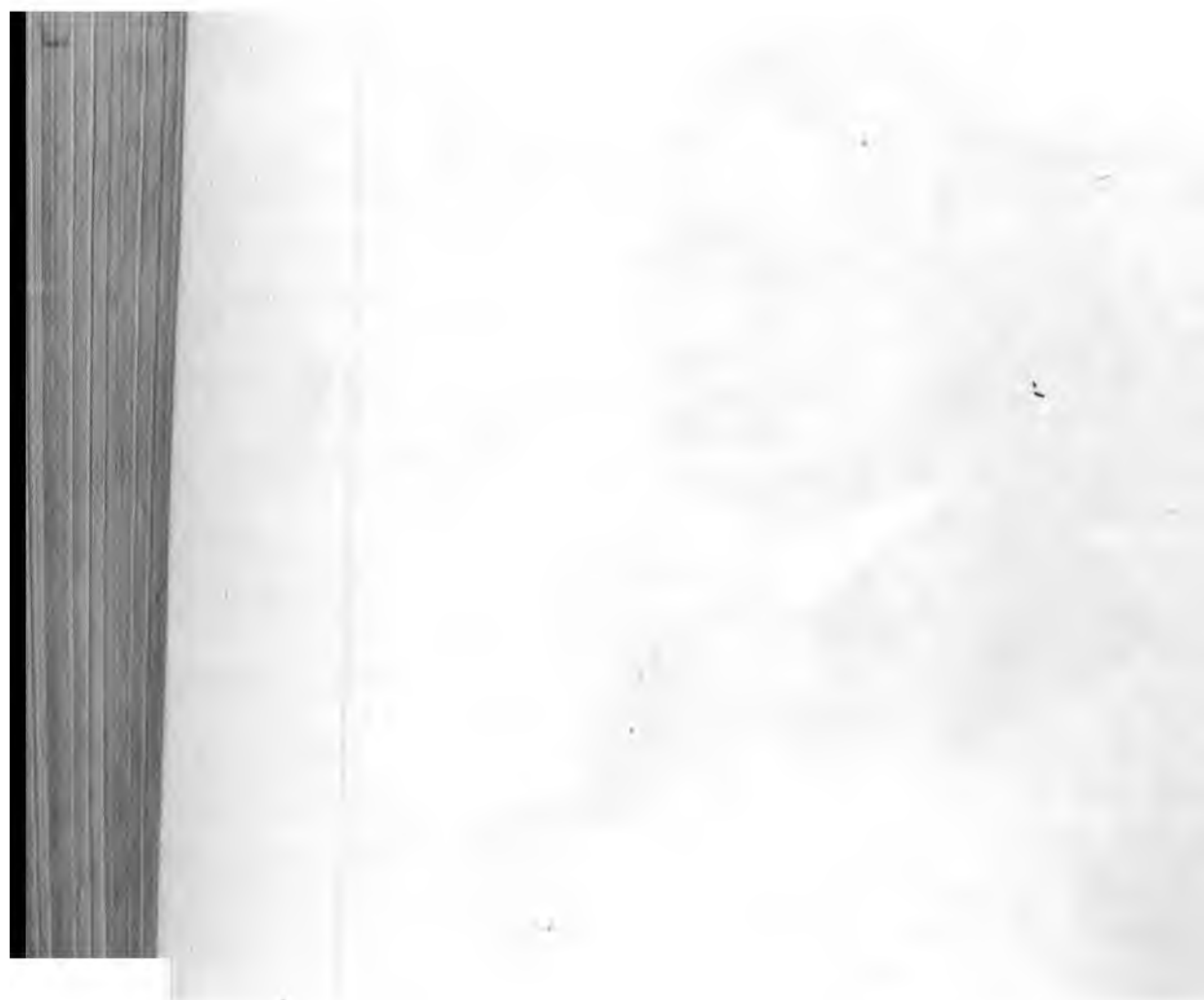
ministry. Having completed his preparatory course, he entered Amherst College, and graduated in 1834. He then went to Cincinnati, whither his father had removed in 1832 to take the presidency of Lane Theological Seminary. In this school of the Prophets, Henry Ward enrolled himself, and pursued his studies, and from it he graduated in due time.

His first work as a pastor was in Lawrenceburg, Indiana, where he was settled over a small congregation of Presbyterians. Here he remained about two years, from 1837 to 1839. He then removed to Indianapolis, where he remained as pastor of a small congregation until 1847. In 1846 a new Congregational society was organized in the City of Brooklyn. This was Plymouth Church, and Mr. Beecher was called as its pastor in June, 1847, and entered upon his duties in that capacity on the 10th of October following. He soon became one of the most popular ministers of the city, and the growth of his congregation was rapid and permanent. For thirty-six years he has remained in charge of that people. Very few sit among his hearers to-day



HENRY WARD BEECHER

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who listened to his first sermon before Plymouth Church. The membership then was small, but now it is numbered by the thousands.

Besides his great work as pastor and preacher, he has spent years in editorial work. He has been for many years a frequent contributor to the columns of "The Independent," and from 1861 to 1863 he was its editor. When the "Church Union" was purchased by J. B. Ford & Co., its name was changed to the "Christian Union," and Mr. Beecher assumed editorial charge of it, and retained that connection until 1881.

Mr. Beecher has been one of the most popular platform orators and lecturers of his time. He has taken an active part and exerted his great influence in behalf of all the great moral reform movements of the past forty years. He was one of the boldest and most advanced public thinkers and speakers on the anti-slavery

question. During the dark days of the war he made a journey to Europe. He found the popular sentiment in England running strongly against the North. He undertook to stop that current, and in a course of public addresses in the larger cities of that country, he corrected the popular misapprehension of the questions at stake, and turned the tide to flowing strongly in favor of his cause.

He has done noble work for the temperance cause, and has given his mite towards advancing the cause of woman suffrage.

Mr. Beecher's theological views have changed very much since he settled in Brooklyn. He is now independent of connection with any organized body except Plymouth Church. By some Christians he is regarded as having left the true faith and teachings of the Bible; but he is still the same earnest, faithful teacher, and strives to lead men to better thoughts and purer lives.

## EVOLUTION.

*Mr. Beecher's Lecture, delivered in Chicago, Feb. 7th, 1882.*

LADIES AND GENTLEMEN: I do not propose to prove the doctrine of evolution, nor to attempt such an exposition of it as would be made by any Professor or scientist, but only so far to allude to it as to lay the foundation for the real discussion of the evening, viz.:

Granted all that the extremest views of evo-

lution demand, will it work change—destruction of great Christian doctrines? That it will work revolution in philosophy, we know. That it has largely revolutionized science is an indisputable fact. That it is to throw light upon political economy, upon national life and development, there can be no doubt, if it holds suc-

cessfully the grounds which seem to have been won by it. Will it change our conceptions of God, of man, of destiny? and if so, to take them away, or to enlarge them, purify them of barbarisms, establish them on solid grounds of science. What is evolution? In its briefest form it may be said to be a theory of gradual creation as distinguished from a theory of immediate creation. The old view founded upon certain passages of Scripture, rhetorical and poetical, believed that everything was made at once, and by the positive command of God. "Let there be light, and there was light," "He commanded and it stood fast." There is something sublime and dramatic in this conception of supernal power, and this has been the undisturbed belief for ages, that everything, the earth itself, was wheeled into existence by divine command, that all the vegetable kingdom lay in a book of design before God, and He commanded the grass, and shrub, and tree, and they sprang out, as an architect draws the plan of a house; and straightway it comes into being; that all insects, that the fish of the sea, that all the reptiles, that all the four footed beasts of the wilderness, or in domesticity, came into life upon the special ordinance and commands of God the Creator.

That is the old view.

The new view does it away entirely. It transfers the divine feat from individual and immediate creation to the general design of God lying far back in yet obscure and undeveloped causes in the nature of things which he had implanted—generic, as distinguished from special. To begin at the remotest days, it is held that the ether, impalpable, invisible, has in it secreted, inherent elements by which it gradually passes through changes to condensed form, to fluids, at last to solidity, and then by grindings and vast cyclopean changes it becomes fit for the lower forms of life in vegetation; afterward, the fish tribes; then the tribes in which are ranked the vermin, as it were;

then the four footed beasts; and last, man; and that some tendency to unfold, to develop, runs on, not only among nations and men, but in every element of religion, in every element of social life, in every governmental element, so that, as a tree first starts from a single seed, throwing down its root, up its stem, branch after branch, in steady succession and evolution, until it comes to the period of ripeness, and shows then its flowers, and its fruit, and its seed; and at last is consummated by a series of continuous unfoldings—so the whole world has been, so man has been. Now this doctrine has itself been subject to evolution, as all great discoveries of truth are. It had its infancy, when a few men, such as Newton and Galileo, had the honor of being the great heretics of their age, standing apart from their fellow-men, simply by the fact that they saw further. Little by little other men caught their inspirations, until, by and by, it became respectable, for the heresies of to-day are, if well placed, the orthodoxies of the next generation. And in this way it has come to its present state, and even within our easy memory it began to be esteemed as a solid science. Thirty years ago, and it was all in the air, with the exception of a few; but to-day I aver that there is not a scientific man under forty years of age, of reputable attainment, that does not believe in the doctrine of evolution,—not in every application of it; not in every method of explaining the theory. There are, as yet, multiplied discussions and debates within the body of the doctrine of evolution, but it is the working theory of every working scientist on the globe. Germany long resisted it. Germany leads to-day. The French school were very cautious of it. They have yielded their caution, and it is the reigning philosophy of the scientific schools to-day. England has been eminent, in that it was given to Herbert Spencer and to Charles Darwin, to give to that doctrine an exposition more complete, more comprehensive, more convincing than it had

ever had at the hands of any other. It has been received with great caution in America, but it has been received; and that too, not alone by the school of skepticism—it has been said by theolastic disciples as well as atheistic disciples. It is coming to be common ground.

Now there would be no objection to the theory or doctrine of evolution if it were not for man. This is the critical point, and this is the point where there is a vaster discrepancy between the general believers of evolution as between the extremes. Haeckel holds in the boldest manner and with the extremest exposition that man is nothing but the unfolding of the lower animals; that there has been no break; that he is a prolongation of the inferior animal tribe. But Mivart holds, and Wallace holds, and Gray holds, that up to that point the doctrine of evolution acted pure and simple, but that then came in some special and divine impulse that created a new era as it were, or raised evolution to a higher level than it had before. So that the theistic evolutionists tend to belief in the compound theory—namely: Man is the ascent from the animal. I know not why we should call it a descent. In one point of view it may be said to be, as we say children descend from their parents. I prefer the term ascent when applying it to man; that he springs from ancestors that were a part of the brute creation. Here is the point where to-day there is the most doubt, the most repugnance; and on behalf of the great religious public there is this unworthy fear that comes up whenever any new development of the revelation of God in nature is made. They are afraid it will sweep away the foundation of their faith. An unworthy fear. A faith that trembles and totters every time God speaks is not a faith that should sustain any sect nor any body of men. But that old practice of firing a Bible at every new thing ought at last to come to an end. They fired it at the sun and astronomy, and it came back on their heads,

and astronomy marched on. They fired it at geology, and geology triumphed, and men had to find new constructions for their Bible. They are firing it now at the origin of man, and they will take it back with new constructions again. For I hold that then was not the first time when God wrote on tablets of stone, that He wrote His thought on the vaster strata of stone that run around the globe, and that mark the great epochs of time. There He has written, and at last a man has been found worthy to unloose the roll, and to read the writings thereof; and we are reading the history of God's thoughts and His creation in the geological page, and we are reading it now, and further along on that page that unfolds to us the origin of animal life, not of the terraqueous globe alone, but of its populations, and chiefly of man himself. That men should be afraid of these things indicates a want of stability of faith—a want of poise. They are not the men that can say in the puffs of unbelief and in the controversies of the world, "I know that my Redeemer liveth," that nothing can separate us from the love of God in Christ Jesus, things present, things to come, height, depth, or any other creature. I am not afraid of seeing Christianity swept away. Anything that can be swept away ought to be swept away. But I hold that the foundations of God stand sure, and in the near future this very doctrine of evolution that so alarms many of the churches and many ministers will be found to be a soil down into which the roots of Christian doctrine will go, and they will be no longer controvertible. In this matter, then, of the evolution of man, I find great repugnance, great fear, more than doubt. I see no objection to it. There are a great many men who think it is unworthy of the dignity of the story of man, to have come down from a monkey, and so they make a little pile of mud and call that the beginning of man—created out of dust. Which is the worst,

a living monkey or a pile of mud? Look at the man as God creates him in every generation. What is he? What is the new born child? Eyes that cannot see, ears that cannot hear, hands that cannot handle, feet that cannot walk, and tongue that cannot speak—a little engine of suction, that is all. Nothing; zero with potentiality, that is all. If there is anything that is hopelessly, simply useless, that lies in the arms of love without, absolutely without any use in the world, it is the new born babe. There is nothing in this earth that is born so far from its real self as a child. A colt is a great deal riper at birth. A fly is perfectly ripe. The lower down you go in creation the more nearly perfect are the inferior things of birth, and the higher you ascend the longer is the period preliminary, and the longer is the childhood, and man the longest, because he has come through those debatable stations, through which the animal kingdom passes, and has to go through them again in obscurity to attain to the real man that now exists and governs the world. For my own part, I would as leave come down from a monkey, as from anything else, provided I am sure that I am come. There are a great many men who say they won't descend from him. Well, there is no accounting for tastes. If they choose to remain there, let them. I do not affirm my belief in the descent of man from the monkey. To speak the very truth he is not worthy of such parentage. It is not the teaching of these schools that he descended from the monkey along the line of development from the higher things, tracing them back, they are found to go back to less complicated, and still less, and still less. If you take the oak and the pine, they are as far apart as possible, it would seem. You go back one step, and they are still widely apart. You go back again a step, and still another, and it is not until you get back to the mosses that you find the starting point where the peculiar qualities of each of these unite and are found.

Then these qualities branch and unfold gradually, one running out into the oak family, and the other running out into the pine family. And the theory in regard to the descent of man along the line of the monkey is that, when you go back of the monkey one generation, two generations, three generations, you come to a point of time in which we have a common ancestor, and that then there was this variation which lies at the foundation of the Darwinian system, and that the monkey with his bone and muscle went off one way, and man, with his nerve and brain, went off the other from that common ancestor, and that man descends and unfolds in the line of his distinctive peculiarities, while the great Simian tribe come up along their line. It is the great, great, great, grandfather of the monkey that is our ancestor.

Well now, without stopping to discuss this, and only saying that there is no proof yet—there is not even such proof as creates the same probability that exists in regard to other departments of evolution—there are a great many things in the doctrine of evolution that must be taken for granted; and yet you cannot help it. I see a road going into a river; I see, away down the stream, a road emerging. I have never crept along the bottom to see that there was a continuous road, nor has anybody else, and yet, anybody riding to that bank, seeing where this road ends on this side, and where another road begins on that side, will say: "Why, there is a ford." You have got no proof of it, and yet, from the very nature of the mind you would connect the two, and very properly.

The doctrine of hypothesis, of which I shall have to speak a little more in extension in a few minutes—namely, a guess, a sagacious guess, which conforms to facts and explains; that which throws the lights of solution on obscure questions, which has no disagreement at any point; that is a sufficient ground for evidence, for belief. I shall have to show in a mo-

ment that it was the only ground on which many of the most important universally accepted sciences stand; and so there are many *lacuna*, many points where there is a broad gulf between the hither and the thither side; but there is this to be remarked: that these gulfs in many lines are gradually filling up, and that every ten years connects some lines and other lines, and that, therefore, there is a presumption that those that are widely separated yet—between the conclusion, theory and the facts in the case—that they, too, will follow in the analogy of the others, and will gradually close up, so that we shall have an incontrovertible chain of facts running from the theory—from the hypothesis back—the whole history in facts. There is found, tracing back the human family, no human skeleton, in clay, in sand, in rock, that is an intermediary link between the animal and the man. There is a vast gulf there. But we are to bear in mind that the world has scarcely been searched yet by the geologist. We do not know what may exist. It is only fair to say, therefore, that is problematical.

Now I am going to take it at the strongest, not that I am actually prepared to believe and to demonstrate that man is an extension favorable and progressive from the inferior tribes, but taking for granted that he is, now then, how is it going to affect the great executive doctrine of Christianity—the existence of God; design, the doctrine of divine providence; the doctrine of prayer; the question of the Bible; the character of man as a sinful being; the doctrine of conversion; the church and its institutions; and immortality or existence hereafter?

My own impression is, that all those doctrines are on the eve of having subtended under them the fruits of science, and that there is coming to us here not the skepticisms or the heresies that are now so much dreaded, but we are going to have laid under these great executive doctrines of Christianity, a foundation that no man can shake, even taking this extremest view. Nay,

the modified view which is held by Mivart, probably by Charles Darwin—though he has given no absolute statement on that subject—held by Gray, held by Prof. Wallace, who was the contemporary discoverer with Charles Darwin, of the theory of descent and development—they holding that man in part is an animal, showing unmistakable evidence of having been developed from a lower tribe, but admitting, and attempting to prove in some degree that there came in a special creative act in his case, by which he was clothed with a higher reason, with moral sensibility, with imagination, with a sense of the beautiful, and that man is at once a creature descended from God in his higher qualities, and from the natural man—the animal man—in his lower estate; and that, as to his body, it came up as every other claim has along the line of development, but as to its spiritual nature, that was breathed into him by a Supernal Power, and that the actual development of the moral, intelligent being in man created an era and an epoch in the whole history of the world.

Now it is this descent of man from the animal kingdom as it respects the base faculties of the brain, the basilar qualities. It is this that throws more light on theology than any disclosure that has been made for years.

This, then, being the general doctrine—the doctrine of evolution—does it destroy our reason for the existence of God? Is it the atheistical tendency, as Dr. Hodge, of Princeton, said it was thoroughly atheistic? I hold, so far from it, that it leaves the question where it was before, only a little stronger. How does it eliminate the idea of God from creation? It is said that nature was endued with all the necessary qualities, and that there was no need of calling in anything supernal. If, according to Darwin, according to Haeckel, matters of its own nature had the power of unfolding—variation playing all the time against heredity—two tendencies, the one to continue in the same line, and the other to vary; and the strife be-

tween those two qualities producing a new development, new species, new combinations, and then comes in the theory that all things have an overplus of life; seeds by the million, more than the earth can sustain—something has got to perish. A single fish oftentimes gives in the spawn hundreds and hundreds of thousands of creatures. In a hundred years the human race, would crowd each other if there was no death, if everything came from infancy to perfection in this world. This lays the foundation for struggle for existence. The weakest go to the wall. Those that are best adapted to the climate, to the conditions, survive, and they go on to better conditions of the race; they grow from lower to higher; from worse to better; from weaker to stronger; from simple to more multiplex.

Haeckel says this requires no other consideration than that is the inherent nature of matter. How came it to be inherent in matter? How came it there? The necessity of a creator is not taken away, but rather augmented. It is a larger problem; it is a sublimer thought of God that it was in His soul to cast out matter, and in touching with something of Himself, letting it go on in the long period of self-creation under his eye, and under the movement of that impulse which His soul gave to it in the beginning. It does not take away design; it carries it back, and the design is generic, instead of specific.

It is a very good thing for a man to say that God created some plants and arid sands. Divine design. Others say he created other plants out of the rifts and seams of the rock, whilst others are adapted to deep and rich soil; some can stand in the hyperborean regions. Divine wisdom! And some will grow only under a tropical sun. Divine wisdom! And men say you destroy all those evidences of special design. No, you don't. You merely take them from the special and carry them further back and say: "God created the world and matter in

such a way that it had in itself a royal power of unfolding and adapting."

But men say that there is no possible evidence that a scientist can bring for the existence of a God. You cannot see; you cannot hear; you cannot handle. He does not speak. You have no evidence that His hand is present anywhere; nor are there any tests either in the laboratory or in the scale, nor in any field of investigation. No man ever met Him, no man ever heard Him, no man ever saw Him; therefore we say: "there is no positive evidence. He may or may not exist." The German says: "He don't." That is atheistic. The English man says "He may, but I don't know." That is agnostic. The theist says, "He does." And the theory of evolution has these three schools of disciples.

Now, so far as the fact is concerned that we cannot prove God by any chemical or scientific facts, that is so. You cannot; nor can you prove the existence of a single human being by any such test as that. That there is a body you can show; but you cannot by any scientific test tell me that there is lambent love, glowing imagination within that person. You neither can see it, nor measure it, nor taste it, nor smell it, nor bring any particular sense to bear upon it. You will have to say: "It is probable." You have to say that by the results which come from it we regard the fact that there is an existence of life, power, will, reason, in the individual, but it is a question which science has to dismiss. It cannot touch it.

Now the existence of God may be certainly proved as an hypothesis. An hypothesis is a glorious guess which proves to be sagacious; which conforms itself to all facts known and successively disclosed; which gives explanations which otherwise never could be found of mysterious conditions of things. Looked at in that light, I affirm that the easiest way of looking at the existence of God is upon the hypothesis that he is a will, an intelligence, an execu-

tive being somewhere, for some reason undisclosed to our lower senses, but that the world and all its history can be better explained on the theory of an intelligent Creator lying back of all phenomena and steering all in the large sea of eternal things—that theory of the existence of God makes everything on earth easier to explain than any other theory does. It throws light on dark places.

Do you know what hypothesis does? There are two extremes, one of which these German philosophers admit and advocate, and the other of which does the very antithesis—they scornfully deny. Did you ever study the doctrine of atoms and molecules? What is an atom? It is the last speck of matter that has become so reduced by division that it cannot be divided again. How large is it? It is probably so small that a million would not come within the reach of the strongest microscope that ever was made on earth. No man ever saw it; no man ever measured it. No man ever knew its color nor its shape.

What is a molecule? A cluster of these atoms. Now that is chemistry. Chemistry to-day is nothing in the world but a theory of matter founded on the doctrine of atoms and molecules. You take that away and chemistry has got no bottom as it stands to-day. And yet who doubts that? It has become a practical art. Men universally believe in chemistry, not in everything that appears in chemical books, but the grand science of chemistry stands in the hypothesis of imponderable, invisible atoms and the quantities of matter are an aggregation of them into molecules, and the capacity of dissolving molecules back and forming them in other ways—this is the hypothesis of molecules and atoms on which chemistry stands.

Go to the very opposite extreme. The hypothesis of the existence of a God is a nobler conception. It transcends our reason, just as much as the other hypothesis transcends our special instruments to examine; and the man

that can believe in chemistry as based upon the atomic molecular theory ought not to find any difficulty in believing in the existence of an unseen and unheard God upon the ground of an hypothesis.

But there is another truth which to me and to multitudes is unspeakably greater than any scientific proof or any near testimony, whether of vulgar or of sacred literature. It is moral intuition. What is moral intuition? It is a condition of brain so fine that it can discern truths where coarser brains do not perceive them—where the vibrations of truths are effectual and the soul responds to them. Here is a man that stands before a gorgeous picture of Titians' suffused with color, and he says: "I don't see any color." An artist trembling with enthusiasm, to his eye it drips with color. The clown says: "I wish I could see it." "Don't you wish you could," says the artist to him; "but you are too coarse; you cannot see it; these qualities vibrate on my finer fibre, and no man can tell me it is not there." How do I know generosity? It has no form, it has no shape. Do I know heroism? It is imponderable and improbable in any way excepting by the response which my soul gives to it when I see it in action. All the nobler qualities which adorn human life are those that are presented in this mysterious way. So it is with the artistic intuition, and so it is with the musical intuition. One man hearing sound says, "How magnificent." Were this whole dome filled with mixed and various sounds, if there be a discord his educated ear detects it, sifting out everything else, as a mother hearing her child cry in another room, though there be a thousand persons there, will hear that child's cry by the maternal chord when all these other sounds are drowned out. Even the father will say: "What is it my dear?" "My child! My child!"

There are souls that feel the presence of souls; and when one has been lifted up in quality, in moral drill, I know not how nor where,

the spirit is like the wind that comes or goes, and we know not whither nor whence—there are souls that know that God exists. They feel the breath, they feel the quality. Their own nature is changed in such strange ways that they say: "I know that my Redeemer liveth, my God; and though He hide Himself at other times, nevertheless when He comes, He comes to leave an impression upon the soul that lasts, and nothing can efface it or take it away." And this higher moral intuitive art of the finer natures is a better proof of the existence of God than any demonstration of light and science could make, or any mere historical record could make.

So then I have made up the theory of evolution. It does not dismiss God from his works; it exalts him to a higher station in our thought. The conception is sublimer and better.

Well, does it not destroy the Bible? No, it very likely destroys your way of looking at the Bible, but it will not destroy it, either in its potency or in its existence. The Bible is what it is, and is thunderously what it is, and you cannot change it by any methods of belief or any belief that may be radiated by the sun, or blown like midnight storms upon it. It stands there as an everlasting fact, and its nature is established in it.

The Bible is itself one of the most remarkable illustrations and examples of evolution. There are some people who think that God sent down for a dozen or fifteen reporters, and told them to come up because he wanted to tell them something, and so they sat down at a table and wrote down what he had to say, and out came Genesis and Exodus; and then they went through Leviticus, and Deuteronomy, and Numbers; and God kept talking, and they kept writing. He had it all fixed for them, and all they had to do was to write it down. That is what is called the verbal theory—the theory that the Bible was given word for word and sentence for sentence from the lips of God. I

call in this age the verbal theory of inspiration the devil's Broadway to infidelity. The man that holds that theory in this age of the world ought to be ashamed of himself, and he is not fit either to call himself a teacher, or to be a teacher even of babes.

What is the anatomy of the Bible? I believe it to be simply the history of an inspiration of the human race. Now how can you write a history of the progress of divine inspiration? What is the inspiration of a race? As I hold it, the great material law is provision enough for our material bodies. Human society is material enough for our social nature. Above that is the imagination, conscience, faith, hope, love, reason. What is there to feed that? In this cacophonous human life, in all inexplicable things of human life, what can feed directly the spiritual man? The higher range of cerebral faculties? I believe there is a universal and imminent constant influence flowing directly from the bosom of God, and that is the inspiration of the human race. Some feel it with power and work under it—others less—some do not feel it at all; just as a gardner who puts his plants where the sun can find them, raises them. If the plants were under shade they droop; it extinguishes them. If he puts them in a cave they die. And so men of different moral sensibilities have in different ages felt this mysterious, universal and imminent soul power of God, gradually unfolding their natures, gradually developing them into ascendancy. The Bible is the history of the progress of this inspiration, and there was no inspiration of this prophet or of that prophet, or of this singer, or of that singer, so that he should not make any mistakes, but it is the inspiration of the human race, of men raised up who gave a record for it.

Now what will be a record of the human race. When you describe a man you tell all he knows, and sometimes what he don't know when he is an infant. Then when he comes up to boyhood, you give exactly the horizon



which he has around him. Then when he comes up to early manhood, you give his position and advancement up to that time. When you go back to the beginning of the Bible, what was the record of it? It was a record of those men at their earliest and lowest stages. What did they believe about the heavens and about the sea? What were their scientific notions? If there had been a perfect Darwinian theory recorded in Genesis, it would have been a most fatal argument against the inspiration of scripture. You find there an account of what the human family was at lowest point, its infancy, and infantile beliefs, and infantile legends, and infantile superstitions. You go on a hundred, a thousand years, and you have gone on step by step, and the human family rises and rises, and the scripture unfolds larger and larger views of society, of men, of God, of the future.

All the Old Testament is silent on the subject of futurity. You would not know from it, from beginning to end, that there was any immortality. The earlier developed men did not know it, and the record of God is silent on that subject, because it is a history of how men were unfolded step by step. The New Testament says itself that Christ brought life and immortality to light. You may find poetic glimpses and longings here and there in the Old Testament, but there is not one dogmatic declaration. There is not one full statement from Genesis to Malachi of the existence of man after death. That is a fact that men should seriously ponder, who are talking about men not believing in a future state and in a future punishment. The church, under the divine direction, lived more than four thousand years without having it revealed to them, not a particle. We do not know anything about it, good or bad. We come down now to the New Testament, and we find the whole horizon growing wider and wider, until you come down to the very end, and then the curtain is lifted, and that which the senses

could not understand in any other way is made known to us in that magnificent and gorgeous drama in the clouds—the triumph of the saints and the overthrow of all evil, and the consummation of this mysterious drama of human life when right shall have prevailed and wrong shall have gone under forever and ever.

This Bible is a book that was written by more than forty authors. Sixty-six books of it are separated from each other, one by a hundred years, another by five hundred years, all the way down containing the history of a nation, the history of its institutions, its constitutional history and government proceedings, its wanderings, its reformations, all the elements are scattered up and down in the book, written by different hands and with wide interspaces. Now to undertake to tell me that that book is directly inspired by God, so that everything that is said in it is a fact, is to indicate that you have not the first twilight dream or dawn of what the book really is. It is the most wonderful book; for here you find when men were absolutely but crawling out of the earth, as it were, the same right and the same wrong, the same conscience in its earliest and infantile condition that you hear in its manly tones at the very latest. From the beginning to the end that book has been on the side of the poor, on the side of the needy, on the side of eternal compassion. That book has been through thousands and thousands of years a stout advocate of justice, of integrity, of a pure and a humane government. That book has all the way through represented God terrible against wickedness, and unbounded in goodness towards righteousness, purity, sweetness, and love. There is not a stagger in it! There is not one license for sin. There is not, from beginning to end, one single variation except to give a higher conception of duty. The line is unbroken; and it is all the more marvelous when you think how many ages there were in its writing, and how many different men re-

corded what was the hight to which civilization had attained in the particular ages in which they write. And at last you come to what is called the fulness of time. Look upon the magnolia tree—it stands to-day, its branches without a leaf, but the life is in it; and when windy March shall have swept away this cruel winter, and the voice of birds shall be heard coming thicker and thicker from the South, flying on odorous wings that bring balm, and sweetness, and warmth, and it meets the tree that now stands in its barrenness, it will begin to bud, it will ere long throw out its leaves. Still it will be an undeveloped tree growing, but by and by those magnificent white censors will swell and open, filled with the sweetest incense, and lift themselves up to glorify their Maker. And so we find in the world of God, a tree of human life, beginning with the seed growing, throwing out branches hither and thither, and leaves—preparations for inflorescence—and at last the joyful outburst of blossom, the fruit not yet to be plucked. Well, the next question that would naturally come up among the executive doctrines—and by that I mean those doctrines that lead men to a higher and better life—the usable doctrines of the church—one of the most important questions among ministers and churches is, what is the character of man by nature? Is he totally depraved? I never use that phrase. It is a misleading one. Well, is he sinful? On that subject, I think there can be no doubt. It is unnecessary to cull texts that have been used in warfare, until they are battered, and twisted, and turned out of their original sense and meaning. If man in his lower nature is an animal, and if his appetite, lusts, passions—the lust of love, and not sentiment—if the power of defense, destructiveness, combatativeness, hunger, thirst, these strong elements in the under-animal life, if they are all in him, if superinduced upon that under-animal constitution, there is a higher spiritual con-

stitution, mind proper, then you have a theory of the origin of evil in this world that will hold. They say “How came it that evil should be permitted to come into the world?” The question changes. How did it happen that the world came into existence along this schedule of creation? That only God knows, but that was the way in which he developed man; and therefore, when a man comes into life he is a pure animal. As he goes on a few years there begins to be a nascent development of the social qualities. Still a little later came into power the moral and intellectual elements. Now there is sin. It is a quarrel that we know nothing of. It is the voluntary transgression of a known law that makes sin; but where there is, over and above that, ignorance, that is called in the scripture infirmity. It is astonishing to see how the later scriptures describe men with the divine instinct in the Pauline writings; how they, without having any Darwinian to teach them what has been the physical origin and genesis of man, lay their statements of life on such grounds that when you thaw them out a little they go right back and rest on the Darwinian hypothesis. If you want to know the theory of what the old and new man is, take the seventh and eighth of Romans, in which he says: “I know the law is well, and just, and good; I love it; I admire it”—that is the top of his head that is talking. And when he says: “That which I would, that I do not”—that is the bottom of his head that has got the better of it. It is the animal and the angel coupled together. Once before there was an animal and a Balaam riding him, and the animal was wiser than the rider.

In man the animal, the man, the primitive man, the flesh man, the man that comes up from the lower strata of animal existence and has superinduced upon him those faculties that struggle to take the animal out of him; to perfect and control him, that man says: “I would do good, but evil is present with me. I would not, but I

do. I would, but I do not. Oh, wretched man that I am, who shall deliver me from this animal death?"

Thank God for Jesus Christ. There will come a day when there will be such a spiritual force in the upper brain that it will perfectly control the lower one. But see how sin comes in. Men are like what we call the lower animals. I have seen men that were close relations. Men are related to the wolf. Now it is no sin for a wolf to kill a sheep. It is no sin for a fox to steal a goose—it may be his misfortune if he is caught. He was made to do just such things. Selfishness is the method of his existence. He has but a very few fields, ranging in a very narrow sphere, and he must die if he don't. His belly is his God, and it tells him every day: "Go out and kill something and eat 'it, or I will kill you," and he has to do it.

Now, when you rise by successive unfoldings into the higher existence of the man, those lower qualities are to be obedient to the spiritual elements in him, but they retain their old strength and they become sinful. Before man came into the higher state, pride, selfishness, and murder would have been sinlessness, but being clothed with higher powers, they have become mere slaves and servants circumscribed, working in accordance with benevolence, and purity, and love; and there is where sin comes in. On that score every man who lives is a sinner. Every man here knows that if sin is the conflict between the spiritual man developed in us by Christ Jesus, and the flesh man that we bear up from below, every man here knows that it is a discord. Do we not know that man's evening rebukes his morning every day? He says, "I will go forth to-day, and in my business I won't be selfish," and in the evening; "My God, I have been all day selfish." We go forth intending to be lenient, and we come back with knitted brow and clasped hands—we have been cruel. We go forth disinterested and pure in the morning,

and in the evening we say, "Under what dominion have we been all day long?"

The testimony of sinfulness lies with every man who looks at the facts, and there is the origin of it. There is the theory of explanation.

Well, look at the question of conversion. Men have doubted it, thought there wasn't any just foundation for conversion, so far as the Scripture was concerned: They say: "Oh a man is good enough, or some are." The Word of God says, "Except a man be converted, and become as a little child, he shall not enter the kingdom of heaven;" by which is meant that he shall not rise into that state or kingdom, in which the moral feelings constitute the life and joy. The whole presence of God is in the higher moral sphere. It is not with reference to a future state, but simply with reference to a moral condition here now.

Now, we say that a man must be converted; that is to say that children have to be converted at home before you can get along with them. They naturally want the biggest apple, the best place. They envy each other—"he has got a bigger piece of cake than I have got"; and every child has to be taught equity, generosity, preferring others rather than themselves, and with multiplied instructions and some applications. When men go out into life and come under such a general conception of what they are, what they ought to be, and are filled with power of the God nature imminent and universal, they declare war against selfishness and all basilar supremacy, and begin to walk according to the Spirit; those men are converted. I do not think when a man is first converted he is a perfect animal either. When I set out a flower in the spring it is not perfect. It has got to grow. The converted man has got to run through all the stages of unfolding until he comes to the highest possible forms of experience that this world can allow. But the great doctrine of the possibility of conversion, and of

the need of it—that is to say, the suppressions of the basilar man by the ruling power of the spiritual man—that is a significant definition of conversion according to the Darwinian theory of evolutionary philosophy; and it is a genuine one. There is a Christianity perfectly consistent with evolutionary theories; and indeed, a great advantage is gained in their authority and in their comprehensibility, but I do not perceive that the theory of evolution touches churches at all. Certainly it does not touch the great ethical teachings of churches. Do you know that all the racket in the world among the churches has been a quarrel about things they did not understand at all—not one of them? When men got up into the infinite, which they knew no more about than a beetle bug knows about me, then they got strong, and got to swinging their cohorts about the field of geology, and then they got to damning each other about various things, among which was the doctrine of the future, which they understood very little. They organized themselves. One knew all about it, and the others didn't, and between their prayers they were damning each other all the world round. There has been more quarreling in churches than there ever was in governments; more cruelty in creeds than in battles. Turn to the controversies that have been waged. Every one of them is a controversy about things that no one on either side knew anything about. On the other hand, on things that men actually do know there has never been a division or quarrel. Paul gives us the substance of Christianity. "The fruit of the Spirit is love, joy, peace, long-suffering, gentleness, goodness, self-control." "For such," he said, "there is no law." That is they leave the law. They are so much higher that the law doesn't find them. Has there ever been any division of sentiment on these subjects?

Here are a convention of pomologists, and they have catalogs of all the nurseries, and here on the table before them are the most glorious

peaches that are known; here are the luscious pears, and here the gorgeous apples. One would suppose that they would like to test the quality of these fruits by eating them. But no, they do not. They turn back to their catalogs and they quarrel and dispute as to the nature of the trees that bore them. "Where did you get your tree? Well, mine is a more authoritative nursery than yours is that you got your tree from. Mine is ten times as good as yours is. How early were your peaches raised? What kind of manure did you use?" And all such questions as these, and yet here upon this table is this beautiful fruit, and by taking it and breaking it open they could very easily tell which is the best.

Now I hold that in the time to come the very philosophy that is bound to spring from the evolutionary doctrine will clean out half the disputes of the ages that have been a disgrace to religion, and give to us a simpler faith, based upon absolute facts, and which will tend rather to draw men together, and unite them in a blessed amity, than to split them asunder, and drive them wider apart. Now churches are schools to teach men higher manners.

Many of them need themselves to be taught the first elements; nevertheless, there are such things as good schools and poor schools.

The evolutionary doctrine will invalidate neither the raising nor the operation of Christian schools, nor Christian institutions. Men just as much as ever will be urged to charitable consideration of their fellow men; the strong should take care of the weak; the wise look after the ignorant; the polished and the refined let the light of their course tempt the vulgar and the coarse forward. Churches are for the higher education of men, higher than earthly lore, into this spirit-working. I do not see why they should not exist, whatever the mode of scientific philosophy, with, or without evolution, for they have got their function, and evolution is not going to take it away nor in

any respect disturb it. It may take away some of the lordly claims, it may shear off some of the plumes, but it will not hurt the church in its substantial elements as an educator of morality and spirituality.

Now, there is one other element: Has evolution any relation to the doctrine of a future existence? I think there is an analogy very distinctly traceable in it; but there is another ground beside that; there are two grounds on which I say evolution will not disturb the conviction of man that he is immortal, and that he lives again after he has gone out of the bondage of his body. The first is that the whole theory of growing from lower to higher, from coarser to finer, from simplicity to complexity, that we are going on in stages of existence, that whole theory would lead naturally a man to say: "How natural it would be then after death, that we rise to a higher development than we had here—finer condition, finer climate, finer soil; for growth than the earth afforded us," so that, looking along the line of analogy, one may prophesy that there would be a larger disclosure of man than has been seen in this world. But there is another ground which is a peculiarly fitted one to address to the scientific man. Such is the boundless field of science that no man can compass the whole of it except as a student of other men's work. No man can even be a perfect botanist. It is well understood that no living man has capacity to go through the whole vegetable kingdom and be an expert and authority on every department of it; and still less can a man be an authority in chemistry, an authority in geology, an authority in biology, or zoology. These are too vast for any man to make himself such an authority, and therefore scientific men among themselves, perceiving that, believe each other. You ask a man, "What is your view in respect to the evolutionary theory?" "Well," he says, "I am a metallurgist, my attention has been called to mines and chemistry, and I have not had time

to examine that, but the men that are authority on these things, say so and so, and we are accustomed to lean on each other for authority." There are certain men that say that such and such is true in chemistry. That is the end of controversy. That is truth. There are men that if they say so and so in geology, that is settled. The whole scientific world would take it. They are authority. They are experts. Now, when you come to the immortal man we need only to apply to the Lord Jesus Christ that which is the habit and rule of scientific men among themselves. Was there ever a man on earth who had the right to say on the question of life here and life hereafter, "I am authority!" It is Jesus Christ only who declared He came down from Heaven and returned there and had seen God and was Him, and his whole life confirmed the claim not only translucent, but perfectly full of light—the light that comes into the world, and that lighteth every man. He certainly is the *suprême* authority on the question of the final destiny of man, and He declares "life, light, and immortality are brought to the knowledge of men through Me." That is the end of the controversy on that subject.

Allow me to say, that the development of this doctrine is going to make trouble just in proportion as it is opposed. Allow me to say especially to young men who are purposing to be moral teachers, and I suppose there are some such here, that either of two courses is bad; one, refusing to open their eyes or their ears and running away from it, feeling as though there were endless dangers attending it, and they will have none of it, and will stick to the old dogmas, and screw them up a little tighter, and you will suffocate them, they will die for want of breath. Then there is another class that will run into the novelty, and will read and think out the matter and try to preach it or to write it, and you will get caught at sea without a cable long enough to anchor yourself, and

will founder. Neither of these two extremes is wise. In regard to all moral teaching, in regard to all preaching, let me tell you that the man that brings into the work the greatest amount of sincere charity, the greatest amount of real, acting working force, the most emotion and moral feeling, the keenest sensibility as between truth and untruth, the keenest conscience as between right and wrong, the keenest sense of moral beauty and holy things, with fervor and sympathy for his fellow men, is going to carry the world.

Cold reasoners are winter when very little can be made to grow. Men that are simply intellectual are not going to carry the world. The heart following the head is going to carry it. Not in such days as now afflict this whole Northwest, when behind the sun are the icebergs and the white fields of snow, all its light and all the little warmth it has makes nothing grow. Great pulpits on great icebergs are never going to bring any summer morally into the community, but when by and by the sun, traveling from the far South, comes, and the ice

has gone, and the snows are melted, and the heat begins to come down, then every square inch will teem with life and teem with vegetation, and step by step the summer will come and will reign triumphant over winter. And as it is in nature so is it also in the moral kingdom. The men that bring the most heart and the most intellect together, the heart piloting and the intellect analyzing, the intellect lighting that which is found by the heart—and the interaction of these two spiritual intelligences, reason and fervor with a godly life, will carry the day in the future. Scientists to the contrary notwithstanding, theologists to the contrary notwithstanding, theories and abnormal doctrines to the contrary notwithstanding, and, in my judgment, we are drawing near to a day of prediction when the light shall come to the sun that shall stand a thousand years. The unsetting sun of the future, and the knowledge of the light shall fill the earth as the waters fill the sea, and no man have occasion to say to his neighbor, "Know the Lord," in that we all shall know Him from the least unto the greatest.








ARTHUR P. GORMAN.

ENGRAVED FOR ORATORS AND ORATORY, FAIRBANKS, PALMER & CO., PUBLISHERS.



## ARTHUR P. GORMAN.

 HE subject of this sketch was born in Howard county, Maryland, on the 11th day of March, 1839. His father's occupation was that of a farmer, though he found time to engage quite extensively as a contractor on the Baltimore and Ohio railroad. The son, Arthur P. Gorman, enjoyed but limited educational privileges, and in 1852, when only about thirteen years of age, he was appointed page in the United States Senate. For this favor he was largely indebted to the influence and efforts of Stephen A. Douglas, then a Senator from Illinois.

Young Gorman soon became a great favorite in the Senate Chamber, and was advanced from post to post until he received the appointment of postmaster of that body. In 1861, when the Republicans had secured the control of the Senate, he was so popular and acceptable that he was retained in the same position.

When the difference between President Johnson and the Republican Congress culminated in the President's impeachment by the Senate, Mr. Gorman was pronounced and active in opposition to that measure, and, in consequence, was removed from his position as postmaster, on the 1st of September, 1866, after serv-

ing that body in various positions for fourteen years. The President immediately appointed him Collector of Internal Revenue for the fifth Maryland district, which he held until 1869. In June of the same year he became a director in the Chesapeake and Ohio Canal Company, and in June, 1872, he was chosen president of that company, and has been regularly re-elected to that position each succeeding year since that time. In November of 1869 he was elected a member of the Maryland House of Delegates, and was re-elected in 1871, and in 1872 was elected to the speakership of that body, filling every post to which he was called with singular acceptance to his constituents.

In 1875 he was elected a member of the State Senate for Howard county, and in 1879 was re-elected to a second term of four years. In 1880 he was elected to succeed W. P. Whyte in the United States Senate, and took his seat in that body March 4, 1881. He enjoyed the distinction of being, at that time, the youngest member of the Senate, but has since lost that honor; Rhode Island having sent Nelson W. Aldrich, who was born in 1841, and took his seat in the Senate in December, 1881.

## TARIFF ON COAL.

*Mr. Gorman's Speech, delivered in the United States Senate, Feb. 7th, 1882.*

MR. PRESIDENT: As a rule I have voted for moderate reductions on the articles contained in the tariff schedules, but there are quite a number of items which the committee have reported where the duty is continued precisely as it is to-day. I support the amendment of the Senator from West Virginia [Mr. Davis] in the face of the recommendation of the Tariff Commission, and also of the report of the Committee on Finance, who have recommended a reduction of one-third of the duty now imposed on coal. Knowing that the Tariff Commission and the Finance Committee are not infallible in these matters, and knowing, also, that on many articles in the list no reductions whatever have been made, and for reasons perfectly sound and good, that the article would not stand a reduction without bringing the American article into competition with the foreign article, I am convinced that both the Tariff Commission and the Committee on Finance have made a decided mistake in the recommendation which they have made.

The duty on coal of seventy-five cents a ton, is to-day barely sufficient to protect that interest, so far as the Atlantic coast is concerned. The duty, as the Senator from West Virginia has shown, formerly ranged from \$1.75 a ton to \$1 a ton. The history of the reduction in the past is probably not familiar to all the Senators present; but the reduction was never thought of until after some American capitalists, particularly in the eastern portion of this country, had invested in the coal mines of Nova Scotia, and from that day to this they have

sought to reduce the duty upon coal until, finally, the reciprocity treaty was made which admitted it free of duty from the Canadian provinces. When that terminated the duty was placed at \$1 per ton, and finally, in 1875, it was reduced to the present rate, the reduction being in greater proportion than upon any other article in the tariff schedules.

If it were not for the great reduction which has been made in the cost of the railroad transportation of coal from the mines to the seaboard within the last ten or twelve years, it would be simply impossible for the coal-miners in Pennsylvania and West Virginia, located at any distance more than two hundred miles from tide, to compete with this English coal; and to-day that great industry, which the Senator from West Virginia has so well described, the owners of the mines, the men who have invested millions in them, who have been compelled, on account of competition, to reduce the amount paid to miners to the lowest possible living point, and that, as a rule, having been done only after consultation with the workmen themselves, do not reap a profit of twenty-three cents a ton on all the coal mined and carried to tide water in this country. Twenty-three cents a ton is above the average of the royalty to the owner of the product itself, and that, too, as I have stated, with the lowest possible rate of transportation from the mines to the seaboard.

Taking the railroad freight for the shipment of a ton of coal from the West Virginia coal-fields to-day, to New York, including the ship-

ping charges, the cost of the coal actually upon the cars amount to \$4.27 a ton, whereas, it is sold in New York for \$4.00, average, during the year. A reduction of twenty-five cents a ton on this coal will enable the foreign owners of coal to supply the entire market, or else the American coal operator must reduce either one of two things, either that which is paid to the miners for mining it, or to the railroad companies for transportation; and when I state to the Senate that the cost of transportation is about half a cent a ton per mile, it will be readily seen that the railroads cannot reduce their present rate. Therefore the reduction must come from the man who mines the coal. The owner of the mine gets a bare return, less than half the value of his product as compared with other articles. The mines in Nova Scotia and in the British possessions are all within ten to twenty miles from tide water. The mining-cars that enter the mines are hoisted from the mines and run directly on the ship, and the coal is dumped at scarcely any cost.

The Senator from Alabama [Mr. Morgan] in the speech which he has just delivered, has stated that a tax upon coal is a tax upon every fireside in this land. Why, Mr. President, he could not have listened to the statement of the Senator from West Virginia. For domestic purposes east of the Alleghanies—and that is the only portion of this country, except it be in California or Oregon, where the soft coals are used for domestic purposes—this duty does not affect a single consumer of coal.

I say, without the slightest hesitation, that of the 40,000,000 tons of soft coal mined in this country, of the eight or ten million consumed in the North, there is not one ton of soft coal consumed for domestic purposes, to a thousand tons of anthracite; and the cost of the anthracite to the consumer is not regulated either by the soft coals of this country, or those of Great Britain. The anthracite interest has a monopoly of that trade. The Pennsylvania interest to-

day controls the prices in the markets of the world in anthracite coal; and notwithstanding the combinations which were referred to by the Senator from Texas [Mr. Coke], the cost of coal in the last ten years has been reduced one-half. Legislation to-day will not affect that question, but it will affect the great interest of bituminous and semi-bituminous coals that are brought to the sea-board.

The coals in the State of Alabama to which the Senator has alluded, do not come in competition with the British coal. In the last year there were only thirty tons of it taken from Mobile, in the State which the Senator represents. His coals do come in competition, however, with West Virginia and Maryland coals, because the transportation west of the Alleghanies enables them to take it four or five hundred miles inland. That is a competition which you will have at all times, with or without this tariff.

In 1872 we only imported into this country 490,000 tons of coal, and yet your revenue was \$606,000 because your duty was \$1.25 a ton. Now the importations have increased from 490,000 tons in that year to 856,491 tons in 1882, and your duty being in 1882 only 75 cents a ton, your revenue was \$596,791.27, or less than it was in 1872 when you had only half the coal brought into this country that you had in 1882. Now, the Senator can see that if you reduce the duty from seventy-five to fifty cents a ton, you can bring in a million tons of coal in 1884, and yet not have more revenue than you had last year.

I am aware that the greater amount of the coal that is imported into this country reaches the Pacific coast, but foreign coal does reach Boston and all the New England ports, and the entire Atlantic coast, and, as I have shown, instead of affecting a comparatively small quantity, it has had the effect to reduce the price of all your American coal. If this were an article that I believed could stand the slightest reduc-

tion, I would not be here asking for the maintenance of the same rate of duty that is existing to-day; but, as I have stated before, there are hundreds of articles on this list where no reduction has been made.

Not only is the coal interest affected by this reduction, but, as it is well known by all, the coastwise trade must be carried on in American vessels, and if you destroy our coal trade, if you impair it, what will be the effect on our coastwise trade? I beg to remind my friend from Maine, whose State and section are interested

in ships as well as in free coal, that the coastwise trade is very seriously affected whenever you destroy this interest. From Georgetown, the ships of Maine leave with coal for every port of the Atlantic coast and the Pacific coast. It is an immense tonnage. I have not the figures before me to show the number of tons transported, but it is all in American vessels; and if you break down this interest, not only will the coal-miner, and the coal-operator, and the coal-owner be touched, but the vessel-owners will be very seriously affected.







CHARLES H. VAN WYCK,

ENGRAVED FOR ORATORY AND ORATORY, PARSONS, PALMER & CO., PUBLISHERS.

## CHARLES H. VAN WYCK.

**C**HARLES H. VAN WYCK was born in Poughkeepsie, New York, in November, 1824, where he lived and attended school for a number of years. He completed his education at Rutger's College, in New Jersey, and entered upon the study of law. Upon completing his legal studies he was admitted to the bar, and practiced in his native State.

In 1850 he was elected District Attorney for Sullivan County, and attended to the duties of that office until 1856. He was diligent and thorough in his work, and commanded the confidence and esteem of all, by his ability and integrity.

When the dark days of trial came upon his country, he offered his services to her, and left his place at the bar for the dangers of the camp and field. He entered the army as Colonel of the Tenth Legion—the Fifty-sixth regiment of New York Volunteers—and was mustered out a Brigadier-General. He

was among the foremost on the battlefield, and one of the most careful and watchful in the camp.

He has served four terms in Congress, having been a member of the Thirty-sixth and Thirty-seventh Congresses before the war, and of the Fortieth and Forty-first Congresses after his return from the army.

In 1874 he removed to Nebraska, and settled in Nebraska City, where he has since resided and practiced his profession. He was a delegate to the constitutional convention in 1876, and took a prominent part in preparing for the young State the wise constitution under which it has prospered and grown so rapidly.

He was, also, active in framing the laws through which the provisions of the constitution have been so efficiently carried into effect. He served in the State Senate for four years, from 1876 to 1880, and was then elected to succeed Senator Paddock, in the United States Senate, taking his seat March 4, 1881.



## RATES OF PENSIONS.

*Mr. Van Wyck's Speech, delivered in the United States Senate, Feb. 28th, 1883.*

MR. PRESIDENT: The Senate will indulge me in stating the reason, substantially, why a portion of the Committee on Pensions reported in favor of the House bill. A majority of the committee were in favor of an increase of pension to this class, and possibly to other classes of cases, while a minority of the committee proposed an indefinite postponement.

Each of the other amendments has been fully explained. While the bill as passed by the House is so plain and simple as to need no explanation, the principal object of myself and colleague on the committee who recommended the passage, was that if there was any relief in this direction, if at this session there should be any increase, it could be more certainly through the passage of the House bill.

Unfortunately this bill has been detained until the last days of the session. It should have been earlier, and it is the fault of the majority of the committee, I admit; it is the fault of the friends of the measure on this side of the House that the bill was not promptly submitted for the consideration of this body during the last session. My friend from Delaware [Mr. Saulsbury] says that there is not sufficient information, and he wants still further delay. While not really opposing the principle of the measure, he thinks he is not sufficiently informed, whereas the committee have delayed, have sought all the information that could possibly be obtained, till we are near the end of a Congress, and no further information can be procured.

We have the facts and figures spread out in

the different reports which have been presented. When the only question that arises is, shall there be any relief of this kind; shall there be any increase of pensions? My friend from Kentucky [Mr. Williams] said very properly, and I cordially agree with him, that there is no animosity on his part; certainly not. It will not be found, because he and other gentlemen on that side of the chamber from the South have voted with great liberality upon pension bills in special cases. I know my friend from Kentucky has been earnest in doing that; I know that he was so anxious to have special bills passed that he was ready to vote double pension, as in the case of General Burnett, and it was impossible to restrain him any more than it was the Attorney-General of the United States. So, of course, he has a right to claim that and be proud of it.

The Senator says that pensions were not accorded to their soldiers. Certainly. They may be unfortunate; and I will say to my friend that had the Confederate army succeeded in establishing a confederacy in the South, had they planted themselves where their brave soldiers sought to plant them, and given them an independent existence among the nations of the earth, I say to him and to his friends on that side of the chamber that such confederate nation would never have suffered a confederate soldier to have been begging for bread upon the streets; you never would have suffered the widow or orphan children of those who fell, to linger through life without shelter and subsistence. You would never have allowed a crip-



pledged soldier with a hand-organ to be seeking a precarious subsistence upon the streets of your cities. While this misfortune may attach to the soldiers to which my friend refers, yet the chances of war were taken, and, unfortunately for them, unfortunately for him also; yet we have a right to refer to the fact that the portion of the United States that was successful pledged to those who entered their armies they would take care of the orphans and the widows of those who fell. That was the Nation's promise. The Nation promised the soldiers when they went from their homes that those who came back crippled and maimed should be protected and saved from want during the remnant of their days. That promise which the Nation made was honestly made, and all we ask is that it shall be faithfully kept.

The Nation which made this promise exists to-day, and we have as much right to claim this promise shall be religiously kept as the faith of this Nation which was pledged to our public creditors. It will not do for gentlemen on either side of the chamber to set down in figures, in dollars and cents, what it will cost to do justice to this class of our veteran soldiers. You did not do it when we were in the struggles of war. You stood up boldly and manfully here and in every corner of this Nation, and you pledged the last man and the last dollar to carry on the war. We did it here; we did it at home. This Nation understood it; the people of the South understood it; the nations of the earth understood it; and when the proposition was made looking toward a repudiation of a debt which saved our Nation, which was looked upon at one time in the subjugation and defeat of the Southern army as important almost as the soldiery upon the field, and when attempt after attempt was made to repudiate that debt, even by reducing the interest, or in any other way, the allegation was that the solemn faith of the Nation had been pledged. The solemn faith of the Nation had been no more pledged

to the payment of the public debt than it had been to the care and sustenance of the families of soldiers who might have fallen on the field, or those who came home crippled and disabled from the war.

We have a right now to ask this, because in the years gone by they needed not the same care as now. It is nearly twenty years from the battle-fields where they lost limbs or incurred disability. Every recurring year adds to the disability and makes it still more impossible for them to sustain themselves by the drudgery of labor. We promised them honorable positions in government service. We have not kept that faith, although we on this side of the Chamber and our administrations have had the power to do it. That pledge, that promise, has not been kept. They have been turned away from the doors of our departments when they were seeking positions which we honestly promised them.

Take the list of the employes of our government to-day, and see how meager is the number of those who have received a part of the promise of this nation, that after the war was closed, they should be invited in to fill these places and occupy these seats. Now we are called on to fulfill the other part of the pledge. We can give them in money an addition to the pittance they are now receiving, so that they may be under no necessity to beg for bread. This much we can do, and in my judgment it is our duty.

Gentlemen claim it will cost a few millions. I would say to my friend from Delaware, it may cost \$5,000,000. This Congress has been struggling in both branches for weeks and months to see how they could relieve an over-taxed people, an over-flowing Treasury, by reducing receipts from customs and internal-revenue duties.

A full Treasury has been the source of temptation for schemes of plunder, and the result was that at the last session \$20,000,000 was gen-

erously appropriated in the river and harbor bill. When the people set their seal of condemnation, Congress turned penitently to them and said, "We will do so no more; we will remove the temptation; we will keep money from flowing into the Treasury." We have labored week after week to stop this inflow, and have not succeeded, and probably shall not. As much will be collected from impost as has been in the years gone by. Unfortunately, the money still flows into the Treasury. Let us make an effort to distribute it where it should properly go, redeeming the nation's pledge, and beyond corrupting influence.

Mr. President, it will not do for us to be higgling about the few million dollars these pensions will cost. With lapse of years should not come less appreciation.

Strange, the Committee on Military Affairs lately reported denying the privilege of tents to the old veterans for reunions. The soldiers in some localities have reunions and are allowed the use of the government tents. At last these gentlemen discover it is expensive; it costs a few thousand dollars yearly for repairs. They say to the veteran soldiers, twenty years after the war, "This must be stopped; it is costing some money; tents are injured." Gentlemen fail to remember the fact that these tents are mildewing, and will injure more by mildew than by a few days use.

The Military Committee seemed to have thought this privilege, costing the government a few thousand dollars, must be denied at a time

when money in the Treasury is abundant. These tents are used principally in the frontier States, where are no large rooms for assembling. You deny the old soldiers the enjoyment to gather around their camp-fires and live over the years of war, and if the present tariff is retained on lumber it will be beyond their ability to build barracks for temporary purposes.

Why now deny this privilege? Another twenty years from the war and this vast army of veterans will answer roll-call and gather in reunions with the patriots who have gone before.

It is no answer to say that the pension laws now are unjust. Undoubtedly they are. It is no answer to say that there is improper discrimination in the pension laws; as certainly they are. That is no reason why there should be a denial of justice to those entitled. You say there have been frauds, frauds in the last pension act. Certainly, but that is no reason why there should be a denial of justice. There are frauds in the execution of all laws, and there may be in this.

The Senate will excuse me for having occupied so much time. I merely wished to call attention to the fact that this body, the House of Representatives, and the whole country should be willing that justice be done a class of soldiers in the war who have become almost totally disabled, whether from loss of limb or from any equivalent disability which renders them powerless to obtain sustenance during life.



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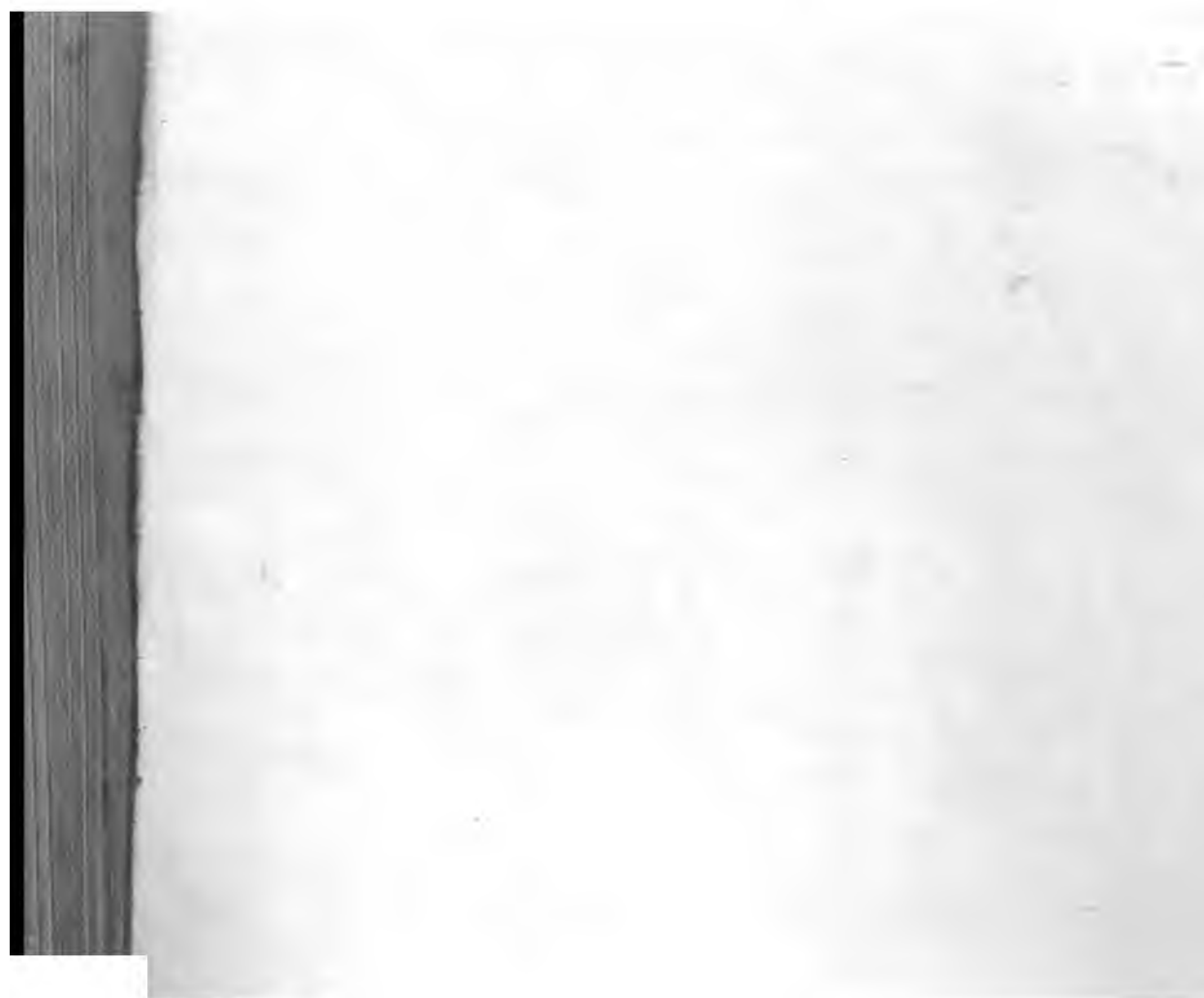
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